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OF THE

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EMBRACING

BAR ASSOCIATION, DISTRICT OF COLUMBIA.

STATUTES OF 1861 TO 1873, INCLUSIVE.

PUBLISHED UNDER AUTHORITY OF LAW, BY

M. S. BONNIFIELD AND T. W. HEALY,

COMPILERS.

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THE COMPILED LAWS

OF THE

STATE OF NEVADA.

THE

COMPILED LAWS

OF THE

STATE OF NEVADA.

CHAPTER LVI.

OF THE PREVENTION OF THE SPREAD OF CONTAGIOUS DISEASES.

SECTION 2478. Spreading of contagious diseases a misdemeanor.
2479. Penalty for violation of Act.

An Act to prevent the spread of contagious diseases.

[Approved February 20, 1869, p. 67.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Spreading of contagious diseases a misdemeanor.

2478. SECTION 1. Any person who shall knowingly have or use about his premises, or who shall convey, or cause to be conveyed, into any neighborhood, any clothing, bedding, or other substance, used by, or in taking care of any person afflicted by small-pox or other infectious or contagious disease, or infected thereby, or shall do any other act with the intent to, or necessarily tending to the spread of such disease into any neighborhood or locality; every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof before any Court of competent jurisdiction, shall be fined in any sum not more than five hundred dollars, or imprisoned in the County Jail not exceeding six months, or by both such fine and imprisonment, and the Court trying any such offender, may also include in any judgment rendered, an order to the effect that the clothing or other property infected be burned or otherwise destroyed, and shall have power to carry such order into effect.

Penalty for violation of Act. 2479. SEC. 2. Any person guilty of violating the provisions of section one of this Act, in addition to the penalties herein prescribed, shall be liable in a civil action, in damages, to any and all persons who may from that cause become infected with such contagious disease; said damages shall be so assessed as to include, in addition to other damages, all expenses incurred by reason of such sickness, loss of time, and burial expenses; and such action may also be maintained by the representative of any deceased person.

CHAPTER LVII.

OF THE SALE OF INTOXICATING LIQUORS TO MINORS.

SECTION 2480. Sale prohibited.
2481. Fines, where to be paid.

An Act to prohibit the sale of intoxicating drinks to minors.

[Approved March 7, 1873, p. 177.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Sale prohibited. 2480. SECTION 1. Every person who, without a written or verbal order from the parents or guardians, sells or gives to another under the age of twenty-one years, to be by them drank at that or any future time, as a beverage, any intoxicating drink or drinks, is guilty of a misdemeanor, and punishable by a fine not less than twenty-five dollars and not more than one hundred dollars, or by imprisonment in the County Jail for a term not to exceed fifty days, or by both such fine and imprisonment; *provided*, that nothing in this Act shall be deemed to apply to parents of such minors, or guardians of their wards, or physicians.

Fines, where to be paid. 2481. SEC. 2. All moneys collected for fines under the provisions of this Act, shall, after deducting costs of suit, be paid over to the County Treasurer, and by him paid into the School Fund of his county.

CHAPTER LVIII.

OF CRUELTY TO ANIMALS.

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2484. Officers of society; reports.
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2488. Punishment.
2489. Prosecutions for violation of Act.
2490. Judgment upon conviction.
2491. Provisions of this Act not to interfere with other existing laws.

An Act for the more effectual prevention of cruelty to animals.

[Approved March 7, 1873, p. 141.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Benefits of Acts conferred.

2482. SECTION 1. Any three or more citizens of the State of Nevada, who shall incorporate as a body corporate under the general laws for incorporations in this State, for the purpose of preventing cruelty to animals, may avail themselves of the privileges and benefits of this Act; *provided*, that the corporate body first forming as aforesaid in any county shall be the only one so entitled to the benefits and privileges of this Act in said county.

By-law of society.

2483. SEC. 2. The said societies may make and adopt by-laws governing the admission of associates and members, providing for all meetings, and assistant and district or local officers; providing also for means and systems for the effectual attainments of the objects contemplated by this Act, for the regulation and management of its business affairs, and for the effectual working of the societies; prescribing, also, the duties of all their officers, for the outlay of all moneys, and the auditing of all accounts; *provided*, that such by-laws shall not in anywise conflict with the laws of the State of Nevada or of the United States, or any provision of this Act.

Officers of society. Reports.

2484. SEC. 3. Said societies shall elect officers and fill vacancies according to the provisions of their by-laws. They shall make such reports of elections as is by law required of all corporations, and shall, in addition, report to the Legislature of the State of Nevada, at each of its regular sessions, a full account of all their acts.

Duties of peace officers.

2485. SEC. 4. All Sheriffs, Constables, police, and peace officers are empowered to make arrests for the violation of any of the provisions of this Act, and are hereby also empowered to make arrest without warrant, for the violation of any provision of this Act which by this Act is denominated a misdemeanor; when said misdemeanor is committed in the presence of said officers.

Arrests may be made by members of society, and others.

2486. SEC. 5. All members and agents, and all local and district officers of each or any of the societies so incorporating, as shall by the Trustees of said societies be duly authorized in writing, approved by the County Judge of the county, and sworn in the same manner as are Constables and peace officers, may make arrests for the violation of the provisions of this Act in the same manner as is provided herein for other officers; *provided*, that all such members shall, when making such arrests, exhibit and expose a suitable badge, to be adopted by said society. All persons resisting said specially appointed officers, as such, shall be punished for said resistance in the same manner as is provided for the punishment of resistance to other officers.

Society badge.

Punishment for resistance

Acts prohibited declared misdemeanors.

2487. SEC. 6. Every person who shall overdrive, overload, torture, torment, or deprive of sufficient and necessary sustenance, or unmercifully or cruelly beat or mutilate any living creature, shall, on conviction, be deemed guilty of a misdemeanor. Every person who shall, by his act or neglect, maliciously maim, wound, injure, torture, or cruelly beat any animal belonging to himself or to another, shall, on conviction, be deemed guilty of a misdemeanor. Any person who shall cause any animals, bull, bear, dog, cock, or other creature to fight, worry, or injure each other, or any person who shall permit the same to be done on premises under his charge or control, and any person who shall aid, abet, or be present at such fighting and worrying of such animals as a spectator for an admission fee, shall, on conviction, be deemed guilty of a misdemeanor; *provided*, that this shall not apply to officers of said society, peace, or police officers, or to witnesses authorized by the Board of Trustees of said society to be present at such fight for the purpose of giving evidence before the Police Judge, magistrate, or the grand jury of the county in which the offense was committed. Every person who, carrying or transporting, or causing to be carried or transported on any vehicle, railroad car, steamer, or sailing vessel, any living creature, shall unnecessarily torture, injure, torment, beat, wound, or deprive of necessary sustenance, or cause unnecessary pain to them, or any person who shall pluck the feathers from any living fowl or bird, geese and tame ducks excepted, shall, on conviction, be deemed guilty of a misdemeanor; and whenever such person shall be taken into custody, or placed under arrest, by any officer or person authorized to take into custody and to arrest for said unlawful acts, such person so arresting may take charge of the vehicle and its contents, in which such unlawful carrying is committed, and keep the same in some safe place, to be by the owner or person controlling said vehicle designated, or if such place be not designated, then to deliver the same into the custody of the Sheriff or Constable, to be safely kept until such person so arrested shall be admitted to bail or shall claim the same, when it shall be delivered to the owner or person entitled

Transportation in cruel manner.

Vehicle may be seized.

Payment of charges.

Maimed or diseased animals not to run at large.

to the possession thereof, upon the payment of all charges of detention and keeping. Every owner, driver, or possessor of any maimed or diseased horse, mule, ox, or cow, or other domestic animal, who shall permit the same to go loose in any street, alley, or vacant lot of any town or city for more than three hours after knowledge thereof, shall, on conviction, be deemed guilty of a misdemeanor; *provided*, this shall not apply to owner keeping such animal, belonging to him, on his own premises, with proper care. Every sick, disabled, infirm, or crippled horse, ox, mule, cow, or other domestic animal, which shall be abandoned on the public highway, or in any open space in any city or town, may, after due search by a peace officer of said society, and no owner can be found therefor, be destroyed by such officer, and it shall be the duty of all police and peace officers to cause the same to be done on information of such fact of abandonment of such creatures.

Punishment.

2488. SEC. 7. Every person convicted of any misdemeanor under this Act shall be punished as is by law provided for the punishment of misdemeanors.

Prosecutions for violation of Act.

2489. SEC. 8. All prosecutions for violation of any of the provisions of this Act shall be conducted and prosecuted in a Court of competent jurisdiction; and any member of said societies, authorized as is provided in section five of this Act, may appear and prosecute in any of said Courts, for any violation of the provisions of this Act, whether or not he be an attorney and counselor at law; *provided*, that all such prosecutions shall be conducted in the name of the people of the State of Nevada.

Judgment upon conviction.

2490. SEC. 9. In all prosecutions for the violation of any of the provisions of this Act, the Court shall, if the defendant be found guilty, direct the Clerk to enter, if it be a Court of record, and if not, the Judge of said Court shall enter upon the docket or judgment record of said Court, the fact that the defendant was convicted for a violation of some provision of this Act; and the Judge or Court shall direct that the whole of the fine, which may be paid as a penalty for such violation, to be paid to the President, Secretary, or Treasurer of any society in said county organized and incorporated as herein provided. And such Judge of such Court, Justice, or Clerk of the Court, if it be a Court of record, shall annually report, on the first Monday in September, the amount of money so paid to said society, in a report to be transmitted to the Board of Supervisors of said county; and each of said Boards of Supervisors shall make a report, on the first Monday of November of each year, to the Controller of the State, of all such sums of money so paid to said society, and said Controller shall report the sum total of said sums to the Legislature at each of its regular sessions.

Provisions of this Act not to interfere with other existing laws.

2491. SEC. 10. No part of this Act shall be deemed to interfere with any of the laws of this State known as the game laws, or any laws for the destruction of certain birds; nor shall this Act be deemed to interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb, or property, or to interfere with the right to kill all animals and fowls used for food; nor shall this Act be deemed to interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.

CHAPTER LIX.

OF VAGRANTS.

SECTION 2492. Vagrants, who are; punishment.
2493. Convicted vagrants required to labor on public works.

An Act concerning vagrants and vagrancy. ([a])

[Approved March 7, 1873, p. 189.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Vagrants, who are.

2492. SECTION 1. Every person (except Indians) without visible means of living, who has the physical ability to work, and who does not, for the space of ten days, make proper inquiry for, and use due diligence, to seek employment, nor labor, when employment is offered him; every healthy beggar who solicits alms as a business; every person who roams about from place to place, without any lawful business; every idle or dissolute person, or associate of known thieves, who wanders about the streets at late or unusual hours of the night, or who lodges in any barn, shed, shop, outhouse, or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof; every person who frequents gambling rooms, not being employed therein as an attaché, "check guerrilla," *i. e.*, one who frequents gambling rooms, and solicits money, or the checks used therein to represent money, from the proprietors, bystanders, or betters, and who has no other means of living other than the money obtained thereby; every lewd and dissolute male person who lives in and about houses of ill-fame; and every common drunkard, is a vagrant, and punishable by imprisonment in the County Jail not exceeding ninety days.

Punishment.

Convicted vagrant required to labor on public works.

2493. SEC. 2. Every person convicted under the preceding section may be required, by special or general order of the Board of County Commissioners, to perform labor on the public works or ways in the county. Where a conviction is had under the provisions of this Act the District Attorney shall be entitled to a fee of ten dollars.

(a) Justices of the Peace have jurisdiction.—Sec. 1570.

CHAPTER LX.

OF LOTTERIES.

SECTION 2494. Lotteries defined.
2495. Drawing of.
2496. Carrying on lotteries, misdemeanor.
2497. Aiding or assisting in, misdemeanor.
2498. Advertising or opening office, a misdemeanor.
2499. Lottery policies or insurance.
2500. Money and property forfeited to the State; action for forfeiture.
2501. Letting building or vessel for lottery purposes, misdemeanor.
2502. Penalty for violation of Act, how inflicted.
2503. Act to take effect, when.

An Act to prohibit lotteries.

[Approved March 7, 1873, p. 186.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Lotteries defined.

2494. SECTION 1. A lottery is any scheme for the disposal or distribution of property, by chance, among persons who have paid or promised to pay any valuable consideration for the chance of obtaining such property, or a portion of it, or for any share or any interest in such property upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by whatever name the same may be known.

Drawing of.

2495. SEC. 2. Every person who contrives, prepares, sets up, proposes, or draws any lottery, is guilty of a misdemeanor.

Carrying on lotteries, misdemeanor.

2496. SEC. 3. Every person who sells, gives, or in any manner whatever furnishes or transfers to or for any other person any ticket, chance, share, or interest, or any paper, certificate or instrument purporting or understood to be or to represent any ticket, chance, share, or interest in or depending upon the event of any lottery, is guilty of a misdemeanor.

Aiding or assisting in, misdemeanor.

2497. SEC. 4. Every person who aids or assists, either by printing, writing, advertising, publishing, or otherwise, in setting up, managing, or drawing any lottery, or in selling or disposing of any ticket, chance, or share therein, is guilty of a misdemeanor.

Advertising or opening office, misdemeanor.

2498. SEC. 5. Every person who opens, sets up, or keeps by himself or by any other person, any office or other place for the sale of or for registering the number of any ticket in any lottery, or who by printing, writing, or otherwise advertises or publishes the setting up, opening, or using of any such office, is guilty of a misdemeanor.

Lottery policies or insurance.

2499. SEC. 6. Every person who insures or receives any consideration for insuring for or against the drawing of any ticket in any lottery whatever, whether drawn or to be drawn within this State or not, or who receives any valuable consideration upon any agreement to repay any sum or deliver the same, or any other property; if any lottery ticket or number of any ticket in any lottery shall prove fortunate or unfortunate, or shall be drawn or not be drawn at any particular time or in any particular order, or who promises or agrees to pay any sum of money, or to deliver any goods, things in action or property, or to forbear to do anything for the benefit of any person, with or without consideration, upon any event or contingency dependent upon the drawing of any ticket in any lottery, or who publishes any notice or proposal of any of the purposes aforesaid, is guilty of a misdemeanor.

Money and property forfeited to the State

2500. SEC. 7. All moneys and property offered for sale or distribution in violation of any of the provisions of this Act are forfeited to the State, and may be recovered by information filed or by an action brought by the Attorney-General, or by any District Attorney, in the name of the State. Upon the filing of the information or complaint, the Clerk of the Court, or if the suit be in a Justice's Court, the Justice, must issue an attachment against the property mentioned in the complaint or information, which attachment has the same force and effect against such property, and is issued in the same manner as attachments from the District Courts in civil cases.

Action for forfeiture.

Letting building or vessel for lottery purposes, misdemeanor.

2501. SEC. 8. Every person who lets or permits to be used any building or vessel, or any portion thereof, knowing that it is to be used for setting up, managing, or drawing any lottery, or for the purpose of selling or disposing of lottery tickets, is guilty of a misdemeanor.

Penalty for violation of Act, how inflicted.

2502. SEC. 9. Every offense declared to be a misdemeanor by this Act shall be punishable by a fine in any sum not exceeding five hundred dollars, or by imprisonment in the County Jail for any term not exceeding six months, or by both such fine and imprisonment.

Act to take effect, when.

2503. SEC. 10. This Act shall take effect and be in force from and after the first day of January, one thousand eight hundred and seventy-four.

CHAPTER LXI.

OF ELECTIONS.

SECTION 2504. General election, when held.
2505. Precincts to be established.
2506. Poll books to be furnished.
2507. Notices of election; form of same.
2508. Sheriff to post notices and publish same.

SECTION 2509. Inspectors to notify Board, if unwilling to serve; failure to notify; penalty.
2510. Inspectors to appoint clerks; term of service.
2511. Oath of office; form of.
2512. Inspectors may administer oaths.
2513. Opening and closing polls.
2514. Ballot box.
2515. Same.
2516. Ballots; form, color, size, etc.
2517. Manner of voting; copy of register.
2518. Poll lists to correspond.
2519. Poll books, etc.
2520. Ballot box and key to be kept separate.
2521. Ballots or tickets not to be exhibited.
2522. Names rejected, when.
2523. Written and printed names for same office; which to be rejected.
2524. Legality of ballots.
2525. Betting on election a misdemeanor.
2526. Sheriff authorized to appoint deputies at precincts.
2527. Challenges at the polls.
2528. Canvass to be public.
2529. Manner of canvass.
2530. Excess of ballots.
2531. Counting ballots; form of returns.
2532. Returns; how, and to whom made.
2533. Canvassing by the County Commissioners.
2534. Abstract to be sent to the Secretary of State; canvass by Judges of Supreme Court; Governor to grant certificate of election.
2535. Defect or informality in returns; certificate not to be withheld.
2536. Delayed returns; messenger, etc.
2537. District returns, how made; abstract of votes.
2538. Returns, how transmitted.
2539. Compensation of election officers.
2540. Contesting election; by whom made; for what causes.
2541. For malconduct of inspectors.
2542. Statement to be filed.
2543. Proceedings, when contest for illegal votes.
2544. Statement not to be rejected nor proceeding dismissed for want of form.
2545. Time and place for hearing contest, how fixed.
2546. Witnesses.
2547. Certificate of election; to whom shall issue.
2548. Fees of Clerk, Sheriff, and witnesses.
2549. Office, when become vacant.
2550. Contest of election of District Judge.
2551. District Attorney may bring action for unlawfully holding office.
2552. When defendant may be arrested and held to bail.

SECTION 2553. Damages recoverable.
2554. One action may be brought against several persons.

CONTEST FOR MEMBERS OF LEGISLATURE.

2555. Proceedings on contest for Senator or Assemblyman.
2556. Subpœna and attachment may issue for witnesses.
2557. Depositions to be transmitted to Secretary of State.
2558. Vacancy in commission, how filled.
2559. Duty of Secretary of State.
2560. When either party may take depositions.

CONTESTING ELECTION OF STATE OFFICERS.

2561. Who may contest and how.
2562. Causes for removal from office.
2563. Malpractice in office, proceedings for.
2564. Copy of decree to be transmitted to Governor or County Commissioners.
2565. On appeal, office to be filled.

BY CRIMINAL ACTION.

2566. Proceedings on accusation against district, county, or township officers.
2567. Defendant to appear and answer.
2568. The answer, how made.
2569. Objections must be in writing.
2570. Denial may be oral and with oath.
2571. Answer forthwith.
2572. Judgment on plea of guilty; trial, how conducted.
2573. Judgment on conviction; how entered.
2574. Appeal, how taken; office may be filled.
2575. Proceedings for removal of District Attorney.

BY IMPEACHMENT.

2576. Impeachment, articles of.
2577. Service on defendant.
2578. Failure to appear.
2579. Answer, how made.
2580. Objections to be in writing; denial may be oral and without oath.
2581. Judgment on plea of guilty; who shall preside over the Senate.
2582. Oath to be administered to the President and Senators.
2583. What judgment may be.
2584. Two thirds vote; disqualifications, etc.
2585. When President of the Senate temporarily suspended.
2586. Fraudulent actions of officers of election, how punished.
2587. Persons refusing to be sworn or to answer questions, how punished.
2588. Punishment for fraudulent voting, etc.
2589. Punishment for fraudulent attempt to vote.
2590. Punishment for examining, or attempting to examine, the names on ballot, or for forging or counterfeiting returns by election officers.
2591. Punishment for corrupting or intimidating electors, etc.

SECTION 2592. Punishment for doing certain acts with intent to promote the election of any person.
2593. Punishment for offering bribe.
2594. Punishment for offering to appoint or procure appointment to any office in consideration of votes.
2595. Punishment for selling liquors, etc.
2596. Governor directed to offer rewards for arrest and conviction of persons violating this Act; rewards, how paid.
2597. Secretary of State to publish this Act in pamphlet form.
2598. Acts repealed.

An Act relating to elections.

[Approved March 12, 1873, p. 197.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2504. SECTION 1. A general election shall be held in the several election precincts in this State, on the Tuesday next after the first Monday of November, one thousand eight hundred and seventy-four, and every two years thereafter, at which there shall be chosen all such officers as are by law to be elected in such year, unless otherwise provided for. **General election, when held.**

2505. SEC. 2. It shall be the duty of the Board of County Commissioners to set off and establish election precincts or districts when it may be necessary, upon a petition of ten or more qualified electors of the county; *provided,* they be located eight miles or more from any polling place or precinct; at their first regular meeting in October, preceding each general election, at least twenty days before any general election, and fifteen days before any special election, to appoint three capable and discreet persons possessing the qualifications of electors, who shall not be of the same political party, to act as Inspectors of the Election at each election precinct. And the Clerk of said Board of County Commissioners shall make out and deliver to the Sheriff of the county, immediately after the appointment of said Inspectors, a notice thereof, in writing, directed to the Inspectors so appointed; and it shall be the duty of the said Sheriff, within ten days after the receipt of said notices, to serve the same upon each of said Inspectors of Election. **Precincts to be established.**

2506. SEC. 3. It shall be the duty of the Board of County Commissioners to cause their clerks to furnish the Sheriff with poll books, who shall deliver the same to one of the Inspectors of every election precinct in the county, at the time of serving the notice on said Inspectors, at least one day before the time of holding any election. **Poll books to be furnished.**

2507. SEC. 4. The several Boards of County Commissioners shall cause their clerks, at least twenty days before any general election, and at least fifteen days before any special election, to make out and deliver to the Sheriff of their county, or to the Justice of the Peace of any county attached for judicial purposes, three written notices for each election precinct, to be, as nearly as circumstances will admit, as follows: **Notices of election.**

Form of same.

Notice is hereby given that on the first Tuesday, the —— day of —— next, at the house of —— (in city, town, district, or precinct), of ——, in the County of ——, an election will be held for State, county, district, town, or township officers (naming the offices to be filled, as the case may be), which election shall be opened not later than eight o'clock A. M. and shall continue until six o'clock P. M. of the same day.

Dated this —— day of ——, A. D. ——.

(Signed): A. B., Clerk of the Board of County Commissioners.

Sheriff to post notices and publish same.

2508. SEC. 5. The Sheriff aforesaid, to whom such notices shall be delivered, shall put up in three of the most public places of each precinct the notices referring to such precincts, at least fifteen days previous to the time of holding any general election and at least eight days previous to the time of holding any special election; one of said notices to be posted at the house where the election is authorized to be held, and the others at two of the most public and suitable places in the precinct, and, also, have the same published in the several newspapers in their respective counties.

Inspectors to notify Board of unwillingness to serve.

Failure to notify.

Penalty.

2509. SEC. 6. If in any precinct any of such Inspectors are unwilling to serve as Inspectors, they shall notify the Board of County Commissioners thereof, within five days after the receipt of the notice of their appointment, who shall immediately appoint some suitable person to fill the vacancy and to serve at such election. A failure to notify the Board of County Commissioners of an unwillingness to serve as an Inspector, as herein provided, shall subject the person to a penalty of not less than ten nor more than one hundred dollars, to be sued for and recovered by said Board of County Commissioners, for the use of the county, before any Justice of the Peace of such county. If, through any accident, sickness, or inability, on the day of election, of such Inspectors, or any one thereof, to serve, the Inspector or Inspectors present on the morning of the election may appoint some suitable person to fill the vacancy.

Inspectors to appoint Clerks.

Term of service.

2510. SEC. 7. The said Inspectors shall choose two persons having similar qualifications with themselves to act as Clerks of the Election. The said Inspectors shall be and continue Inspectors of all elections of civil officers to be held at their respective precincts, until other Inspectors shall be appointed as hereinbefore directed; and the said Clerks of Election may continue to act as such during the pleasure of the Inspectors of Election.

Oath of office.

Form of.

2511. SEC. 8. Previous to votes being taken, the Inspectors and Clerks of Election shall, severally, take the prescribed official oath, and in addition thereto an oath or affirmation in the following form, to wit: I, A. B., do solemnly swear (or affirm, as the case may be,) that I will perform the duties of Inspector (or Clerk, as the case may be,) of the election to be held this day, according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in any manner, in conducting the same. So help me God; (or if an affirmation, under the pains and penalties of perjury).

2512. SEC. 9. In case there shall be no Judge or Justice of the Peace present at the opening of the election, or in case such

Judge or Justice shall be appointed Inspector or Clerk of the Election, they are hereby empowered to administer the oath or affirmation to each other, and to the Clerks of the Election, and the person administering the oath or affirmation shall cause an entry thereof to be made and subscribed by him in the poll books. **Inspectors may administer oaths.**

2513. SEC. 10. At all elections to be held under this Act, the polls shall be opened at the hour of eight o'clock in the forenoon, and continue open until six o'clock in the afternoon of the same day, at which time the polls shall be closed; and, upon opening the polls, one of the Clerks, under the direction of the Inspectors, shall make proclamation of the same; and thirty minutes before closing of the polls, proclamation shall be made in like manner, that the polls will be closed in half an hour; but the Board may, in their discretion, adjourn the polls for one hour at any time they may think proper during the day, before four o'clock in the afternoon, proclamation of the same being made. **Opening and closing polls.**

2514. SEC. 11. There shall be provided and kept by the County Commissioners of each county, at the expense of the county, a suitable ballot box, with a lock and key, and furnish the same to the Inspectors of each election precinct or district within their county. **Ballot box.**

2515. SEC. 12. There shall be an opening through the lid of each box of no larger size than shall be sufficient to admit a single folded ballot. Before opening the polls, the ballot box shall be carefully examined by the Inspectors of Election, that nothing may remain therein; it shall then be locked and the key thereof delivered to one of the Inspectors, to be designated by the majority thereof, and shall not be opened during the election except in the manner and for the purposes hereinafter mentioned. **Same.**

2516. SEC. 13. Every elector shall, in full view, deliver to one of the Inspectors of the Election a single ballot or piece of paper, on which shall be written or printed the names of the persons voted for, with a pertinent designation of the offices to which each person so named is intended by him to be chosen. Said ballot may be open or folded, as the voter may choose, and the said ballot shall, in color, size, form, and texture, conform to the requirements set forth in the proclamation of the County Commissioners of each county; and further, that said ballot or ticket shall be free from marks, characters, or device or thing that would enable any person to distinguish by the back, or when folded, from any other legal ticket or ballot. **Ballots. Form, color, size, etc.**

2517. SEC. 14. It shall be the duty of the Board of County Commissioners, at the time of issuing their election proclamation, as provided in section four of this Act, which shall be a part of the said proclamation, to designate fully the color, size, form, and texture of all ballots to be used at the ensuing election. Said ballot shall be of sufficient width to allow names to be written thereon. It shall be the duty of the Inspectors of Election at each poll, at every election, to have before them a certified copy of the register of voters of the precinct or district for which they are the Inspectors provided by law; and the Inspector to whom any ticket may be delivered shall, upon **Manner of voting.** **Copy of register.**

Same.

receipt thereof, pronounce with an audible voice the name of the person offering to vote, and another one of the Inspectors shall examine the certified copy of the register; and if the name of the person is found thereon, his ticket shall immediately be put in the ballot box without being inspected, if it be a folded ballot. The name of the elector shall then be checked on the certified copy of the register, and the Clerks of Election shall enter his name and number in the poll book. No person shall be permitted to vote whose name is not on the register, and who shall refuse to comply with the requirements of section thirteen of this Act. Said register shall be to said Inspectors of Election conclusive evidence of the right of the person to vote whose name appears upon the same; *provided*, that said Inspectors of Election may require any person to give true answers, under oath or affirmation, to all such questions as they may desire to ask touching the identity of the person with the name in or under which he may wish to vote; *provided*, that in all cases said ballots shall be printed on a good quality of white book paper.

Poll lists to correspond.

2518. SEC. 15. At each adjournment of the polls, the Clerks shall, in the presence of the Inspectors, compare their respective poll lists, compute and set down the number of votes, and correct all mistakes that may be discovered, according to the decision of a majority of the Inspectors, until such poll lists shall be made in all respects to correspond.

Poll books, etc.

2519. SEC. 16. The ballot box shall then be opened and the poll books placed therein; and such box shall then be locked, and a covering, which shall be indorsed by one of the Inspectors, sealed or pasted over the opening in the lid of the said box so as to entirely cover the same, and the key delivered to another of the Inspectors, and the box to a third, to be designated by a majority of the Inspectors.

Ballot box and key to be kept separate.

2520. SEC. 17. The Inspector having the key shall keep it in his own possession, and deliver it again to the Board of Inspectors at the next opening of the polls; and the Inspector having the care of the box shall carefully keep it, without opening it or suffering it to be opened, or the seal thereof to be broken or removed, and shall publicly, in that condition, deliver it to the Board of Inspectors at the next opening of the polls, when the seal shall be broken and the box opened, the poll books taken out, and the box again locked.

Ballots or tickets not to be exhibited.

2521. SEC. 18. No ticket or ballot shall on the day of election be given or delivered to, or received by, any person except the Inspector, or a Judge acting as Inspector, nor fold any ticket or unfold any ballot which he intends to use in voting, or exhibit to another in any manner by which the contents thereof may be known, or request another person to exhibit or disclose the contents of any ticket or ballot, within one hundred feet of the polling place; *provided*, that in case any elector voting an open ticket, the Inspector, or Judge acting as Inspector, may fold the same before placing it in the ballot box.

Names rejected, when.

2522. SEC. 19. If the names of more persons are designated on any ballot found in the ballot box, for the same office, than are to be chosen for such office, then, except in the cases provided for in the next section, all the names designated for such office must be rejected; and the fact of such rejection, and the reason therefor, must, at the time of such rejection, be disposed of as provided in section twenty-six of this Act.

2523. SEC. 20. When, upon a ballot being found in any ballot box, a printed name and a name written with ink or with pencil appears, and there are not so many persons to be chosen for the office, the printed name opposite the written name must be rejected, and the written one counted; or when, upon a ballot found in any ballot box, a name has been erased, and another substituted therefor in any other manner than by the use of a lead pencil or common writing ink, the substituted name must be rejected, and the name erased, if it can be ascertained from an inspection of the ballot, must be counted, and the fact thereof noted, and the said ballots disposed of as provided in section twenty-six of this Act. **Written and printed names for same office, which to be rejected.**

2524. SEC. 21. Whenever a question arises in the Board as to the legality of a ballot, or any part thereof, and the Board decide in favor of the legality, such action shall be taken as in case of a rejected ballot. **Legality of ballots.**

2525. SEC. 22. Every person who makes, offers, or accepts any wager or bet upon the result of any election, or upon the success or failure of any person or candidate, or upon the number of votes to be cast, either in the aggregate or for any particular candidate, or upon the vote to be cast by any person, is guilty of a misdemeanor. **Betting on election a misdemeanor.**

2526. SEC. 23. The Sheriffs of the several counties are hereby authorized to appoint one or more deputies, to serve at each election precinct, for the purpose of preserving order and making arrests, to be paid as other fees. **Sheriff authorized to appoint deputies at precincts.**

2527. SEC. 24. A person offering to vote may be orally challenged by any elector of the precinct, upon the ground that he is not the person entitled to vote as claimed, or has voted before on the same day, in which case the Inspector or one of the Judges shall tender him the following oath: "You do swear (or affirm) that you are the person whose name is entered upon the registry list of this precinct." In case such person refuse to take the oath so tendered, he shall not be allowed to vote, and the Clerks of the Election shall write the word "Challenged" opposite the name of each person challenged upon the registry. **Challenges at the polls.**

2528. SEC. 25. As soon as the polls of the election shall be finally closed the Inspectors shall immediately proceed to canvass the vote given at such election; and the canvass shall be public, and continue without adjournment until completed. **Canvass to be public.**

2529. SEC. 26. The canvass shall commence by a comparison of the poll lists from the commencement, and a correction of any mistake that may be found therein, until they shall be found to agree. The box shall then be opened, and the ballots contained therein taken out and counted by the Inspectors, and opened so far as to ascertain whether each ballot is single; and if two or more ballots shall be found so folded together as to present the appearance of a single ballot, they shall be laid aside until the count of the ballots is completed; and if, on comparison of the count with the poll lists and the appearance of such ballots, a **Manner of canvass.**

majority of the Inspectors shall be of the opinion that the ballots thus folded together were voted by one elector, they shall be rejected, and carefully sealed up in an envelope, upon which shall be written the reason of their rejection, and shall be signed by the Inspectors, and placed back in the ballot box, to be retained with the other ballots, as provided in section twenty-nine of this Act.

Excess of ballots. 2530. SEC. 27. If the ballots in the box shall be found to exceed in number the whole number of votes on the poll lists, they shall be replaced in the box after being purged as above, and one of the Inspectors, with his back turned to the box, shall publicly draw out and destroy therefrom so many ballots, unopened, as shall equal the excess.

Counting ballots. 2531. SEC. 28. The ballots and poll lists agreeing, or being made to agree, the Board shall then proceed to count and ascertain the number of votes cast, and for whom cast, and when completed the Clerks shall set down in their poll books the name of every person voted for, written at full length, the office for which such person received such votes, and the number he did receive, the number being expressed in writing at full length and also in figures; such entry to be made, as nearly as the circumstances will admit, in the following form, to wit:

Form of returns. At an election, held at the house of A. B., in the Town (or precinct) of ——, in the County of ——, and the State of Nevada, on the —— day of ——, A. D. ——, the following named persons received the number of votes annexed to their respective names for the following described offices, to wit:

A. B. had —— votes for member of Congress.
C. D. had —— votes for State Treasurer.
E. F. had —— votes for State Controller.
G. H. had —— votes for State Superintendent of Public Instruction.
I. J. had —— votes for member of the State Senate.
K. L. had —— votes for member of the Assembly.
(And in like manner for any other persons voted for.)

Certified by us:
M. N.,
O. P.,
Q. R.,
Inspectors of Election.

Attest:
A. B.,
C. D.,
Clerks of Election.

Returns. 2532. SEC. 29. The Inspectors shall file the ballots on a string, inclose and seal the same, together with one of the tally lists, and one of the poll books, under cover, directed to the Clerk of the Board of County Commissioners of the county in which such election was held, indorsed "Election Returns." The packet, thus sealed, shall be conveyed by one of the Inspectors or Clerks of Election, to be determined by lot if they cannot otherwise agree, or by some other person to be agreed upon by the Inspectors, and delivered to the said Clerk of the Board of County Commissioners, at his office, within ten days from the close of the polls. The poll book, tally list, certified copy of

How, and to whom made.

register, ballot box and ballots thus inclosed and sealed, shall be deposited in the office of the Clerk of the Board of Commissioners, and preserved until the next general election. The other poll book and tally list shall be deposited with one of the Inspectors of Election, to be determined by lot if not otherwise agreed upon; and said poll book and tally list, together with the poll book and tally list deposited with the Board of County Commissioners, shall be subject to the inspection of any elector, at any time thereafter, who may wish to examine the same; *provided*, *however*, that the ballots so deposited with the Board of County Commissioners shall not be subject to the inspection of any one, except in cases of contested elections, and then only by the Judge, body, or Board before whom such election is being contested.

Canvassing by the County Commissioners.

2533. SEC. 30. On the tenth day (or if that day shall fall on Sunday then on the Monday following) after the close of any election, or sooner if all the returns be received, the Board of County Commissioners shall proceed to open said returns and make abstracts of the votes. Such abstract of votes for member or members of Congress shall be on one sheet; the abstract of votes for members of the Legislature shall be on one sheet; and the abstract of the votes for district and State officers shall be on one sheet; and the votes for county and township officers shall be on one sheet. And it shall be the duty of the Board of County Commissioners to cause a certificate of election to be made out by the respective Clerks of said Board of County Commissioners, to each of the persons having the highest number of votes for members of the Legislature, district, county, and township officers respectively, and to deliver such certificate to the person entitled to it on his making application to said Clerk at his office; *provided*, that when a tie shall exist between two or more persons for the Senate or Assembly or any other county, district, or township officer, the Board of County Commissioners shall order their Clerk to give notice to the Sheriff of the county, who shall immediately advertise another election, giving at least ten days notice. And it shall be the duty of the said Clerk of said Board of County Commissioners of such county, on receipt of the returns of any general or special election, to make out his certificate of election, stating therein the compensation to which the Inspectors and Clerks of Election may be entitled by law for their services, and lay the same before the Board of Commissioners at their next session; and the said Board shall order the compensation aforesaid, if correct, to be paid out of the County Treasury.

Abstract to be sent to the Secretary of State.

Canvass by Judges of Supreme Court.

2534. SEC. 31. The Board of County Commissioners, after making the abstract of votes as provided in section thirty, shall cause their Clerk to make a copy of said abstract and transmit the same, by mail or express or special messenger, to the Secretary of State at the seat of Government; and on the third Monday of December succeeding such election, the Chief Justice of the Supreme Court and the Associate Justices, or a majority thereof, shall meet at the office of the Secretary of State and shall open and canvass the vote for members of Congress, district and State officers; and the Governor shall grant a certificate of election to and commission the persons having the highest num-

Governor to grant certificate of election.

ber of votes, and shall also issue proclamation declaring the election of such persons. In case there shall be no choice, by reason of any two or more persons having an equal and the highest number of votes, the Governor shall, by proclamation, order a new election; *provided*, when an election for Electors of President and Vice President of the United States takes place, the vote therefor shall be canvassed in the manner aforesaid on the fourth Monday after such election is held.

Defect or informality in returns.

2535. SEC. 32. No certificate shall be withheld on account of any defect or informality in the returns of any election, if it can with reasonable certainty be ascertained from such returns what office is intended, and who is entitled to such certificate; nor shall any commission be withheld by the Governor or Board of County Commissioners on account of any such defect or informality of any returns made to the office of the Secretary of State or to the Board of County Commissioners.

Certificate not to be withheld.

Delayed returns.

2536. SEC. 33. If the returns of the election of any county in the State shall not be received at the office of the Secretary of State on or before said third Monday of December succeeding such election, the said Secretary may forthwith send a messenger to the Clerk of the Board of County Commissioners of such county, whose duty it shall be to furnish said messenger with a copy of such returns; and the said messenger shall be paid out of the Treasury of such county the sum of thirty cents for each mile he shall necessarily travel in going to and returning from said county. Whenever it shall be necessary, in the opinion of the Board of County Commissioners, to employ a messenger to convey the returns to the seat of Government, and deliver them to the Secretary of State, the person performing such service shall also be entitled to receive, as compensation, mileage at the rate of thirty cents per mile, computing the distance from the county seat to the seat of Government by the usual traveled route.

Messenger, etc.

District returns, how made.

2537. SEC. 34. When two or more counties are united in one Senatorial, Representative, or Judicial District for the election of any officers, the Board of County Commissioners of each county shall canvass the votes according to law of the voters of their respective counties for said officer or officers; and the Commissioners of the county whose initial is the lowest on the alphabet shall transmit to the Commissioners of the county of the highest initial a copy of the abstract of the votes for such officer or officers, when the said last Commissioners shall make a final abstract and aggregate of said votes, and shall proceed to cause to be issued certificates of election, and otherwise to act as is provided in this and the two preceding sections.

Abstract of votes.

Returns, how transmitted.

2538. SEC. 35. Whenever the returns are required to be transmitted by one Clerk of a Board of County Commissioners to another, or by the Clerk of the Board of County Commissioners to the Secretary of State, it shall be the duty of such Clerk, if not otherwise directed by the Board of County Commissioners, to deliver the same to some Postmaster of the county, at the Post Office, to be transmitted by mail, taking from such Postmaster, if it can be obtained, a certificate, setting forth the time when such returns were deposited in the Post Office, which certificate the Clerk shall file in his office.

Compensation of election officers.

2539. SEC. 36. There shall be allowed, out of the County Treasury of such county, to the several Inspectors and Clerks of Election, five dollars per diem, and to the person carrying the poll books from the place of election to the Clerk's office, and to the Clerk of the Board of County Commissioners, for attending at another county to canvass votes, the sum of thirty cents per mile for going and returning, to be paid out of the County Treasury.

Contesting election. By whom made.

2540. SEC. 37. Any elector, of the proper county, may contest the right of any person declared duly elected to an office exercised in and for such county; and, also, any elector of a township may contest the right of any person declared duly elected to any office in and for such township, for any of the following causes: (a)

For what causes.

First—For malconduct on the part of the Board of Inspectors, or any member thereof.

Second—When the person whose right to the office is contested was not at the time of election eligible to such office.

For malconduct of Inspectors.

2541. SEC. 38. When any election, held for an office exercised in and for a county, is contested on account of any malconduct on the part of the Board of Inspectors of any precinct, or any member thereof, the election shall not be annulled and set aside upon any proof thereof, unless the rejection of the vote of such precinct shall change the result as to such office in the remaining vote of the county.

Statement to be filed.

2542. SEC. 39. When any elector shall choose to contest the right of any person declared duly elected to such office, he shall, within forty days thereafter, file with the Clerk of the District Court a written statement, setting forth, specifically:

First—The name of the party contesting such election, and that he is a qualified elector of the district, county, or precinct (as the case may be), in which such election was held.

Second—The name of the person whose right to the office is contested.

Third—The office.

Fourth—The particular cause or causes of such contest.

Said statement shall be verified by the affidavit of the contesting party that the matters and things therein contained are true, to the best of his knowledge and belief.

Proceedings when contest for illegal votes.

2543. SEC. 40. When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that illegal votes were given to the person whose election is contested in the specified precinct or precincts, which, if taken from him, will reduce the number of his legal votes below the number of legal votes given to some other person for the same office; but no testimony shall be received of illegal votes unless the party contesting such election shall deliver to the opposite party, at least three days before such trial, a written list of the number of illegal votes, and by whom given, which he intends to prove on such trial; and no testimony shall be received of any illegal votes except such as are specified in such list; *pro-*

(a) Quo warranto, Sec. 389, et seq. Usurpation of an office, Sec. 1381, et seq.

vided, that in all cases of contested elections, the District Court of the respective districts shall have original jurisdiction to try and determine all such cases, and may, by mandamus or otherwise, obtain all documentary evidence required by either of the parties litigant.

Statement not to be rejected or proceedings dismissed for want of form.

2544. SEC. 41. No statement of the cause of contest shall be rejected, nor the proceedings thereon dismissed, by any Court before which such contest may be brought for trial, for want of form, if the particular cause or causes of contest shall be alleged with such certainty as will sufficiently advise the defendant of the particular proceedings or cause for which such election is contested.

Time and place for hearing contest, how fixed.

2545. SEC. 42. Upon such statement being filed, it shall be the duty of the Clerk of the District Court to inform the Judge thereof, who shall fix the time and place to hear and determine such contested election; and the Clerk shall give notice thereof, not less than ten nor more than twenty days from the date of such notice, to the parties contesting, which said notice shall be served by the Sheriff of the county upon the respective parties, as in other cases.

Witnesses.

2546. SEC. 43. The said Clerk shall issue subpœnas and subpœnas *duces tecum*, as in civil actions at law, for witnesses in such contested election, at the request of either party, which shall be served by the Sheriff as other subpœnas; and the District Court shall have full power to issue attachments to compel the attendance of witnesses who shall fail to attend, who shall have been duly subpœnaed.

Certificate of election.

To whom shall issue.

2547. SEC. 44. Upon the certified copy of a judgment of the District Court, or a certified copy of the judgment of the Supreme Court, as the case may be, the Clerk of the Board of County Commissioners shall issue a certificate to the person declared to be entitled to such certificate of election.

Fees of Clerk, Sheriff, and witnesses.

2548. SEC. 45. The Clerk, Sheriff, and witnesses shall receive, respectively, the same fees from the party against whom the judgment is given as are allowed for similar services in the District Court.

Office, when become vacant.

2549. SEC. 46. Whenever an election shall be annulled and set aside by the judgment of the District Court, and no appeal has been taken therefrom within thirty days, such certificate, if any has been issued, shall thereby be rendered void, and the office become vacant.

Contest of election of District Judge.

2550. SEC. 47. In case of any contest in regard to any election to fill the office of District Judge, such contest shall be tried in like manner before the District Court of the district nearest adjoining thereto.

District Attorney may bring action for unlawfully holding office.

2551. SEC. 48. Any such action may be brought by the District Attorney, in the name of the State of Nevada, upon his own information or upon the complaint of any private party, against any person who unlawfully holds any public office within the State; and it shall be the duty of the District Attorney to bring such action whenever he has reason to believe that any such office is unlawfully held or exercised by any person, or when he is directed so to do by the Governor.

2552. SEC. 49. Whenever such action is brought, the District Attorney, in addition to the statement and cause of action, may also set forth in the complaint the name of the person rightly entitled to the office or franchise, with a statement of his right thereto; and in such case, upon proof by affidavit or otherwise, that the defendant has received fees or emoluments belonging to the office or franchise, by means of his usurpation thereof, an order may be granted by a Judge of the Supreme Court, or a District Judge, for the arrest of such defendant and holding him to bail; and thereupon he may be arrested and held to bail in the same manner and with the same effect, and subject to the same rights and liabilities as in other civil actions where the defendant is subject to arrest.

When defendant may be arrested and held to bail.

2553. SEC. 50. If the judgment be rendered upon the right of the person so alleged to be entitled, in favor of such person, he may recover, by action, the damages which he shall have sustained by reason of the usurpation of the office or franchise by the defendant.

Damages recoverable.

2554. SEC. 51. When several persons claim to be entitled or elected to the same office, one action may be brought by or against all such persons, in order to try their respective rights to such office.

One action may be brought against several persons.

CONTEST FOR MEMBERS OF THE LEGISLATURE.

2555. SEC. 52. In case of contest for Senator or Assemblyman in any county or district of this State, the party contesting shall file a statement in the Clerk's office of the county or district in which such Senator or Assemblyman may be a resident, a concise statement of the grounds on which he intends to rely, which statement shall be verified by affidavit; and it shall be the duty of the Clerk to issue a commission, directed to two Justices of the Peace of such county, to meet at such time and place as shall be specified in such commission, not less than twenty nor more than thirty days from the filing of such papers, for the purpose of taking the deposition of such witnesses as the parties to such contest may wish to examine; and notice shall be served upon the person whose right to such office is contested, by the Sheriff of the county, the same as provided for by law in like cases.

Proceedings on contest for Senator or Assemblyman.

2556. SEC. 53. Either of said Justices of the Peace shall have power at any time to issue subpœnas for witnesses, at request of either party, to be served by the Sheriff as other subpœnas; and such Justices, when they meet at the time and place appointed to take depositions, shall have the same power to issue attachments and assess fines against witnesses as is given to Justices of the Peace in other trials instituted before them; and all testimony taken before such Justices of the Peace shall be in writing, and shall be certified to and forwarded by mail or express, or delivered to the County Clerk of the county.

Subpœna and attachment may issue for witnesses.

2557. SEC. 54. It shall be the duty of the said Clerk to seal up such depositions, together with the original statement of the grounds of such contest, and the copy of the notice served upon the party whose right is contested, and the commission issued to the Justices of the Peace, and transmit the same by mail to the Secretary of State, indorsing thereon the names of the contest-

Depositions to be transmitted to the Secretary of State.

ing parties, and the branch of the Legislature before which such contest is to be tried.

Vacancy in Commission, how filled. 2558. SEC. 55. If at any time either of the said Justices shall become unable to proceed in such examination, said Clerk may supply the vacancy by designating any other Justice of the Peace of the county in the place of said Justice.

Duty of Secretary of State. 2559. SEC. 56. It shall be the duty of the Secretary of State to deliver the same, unopened, to the presiding officer of the house in which such contest is to be tried, on or before the second day after the organization of the Legislature next after taking such depositions; and such presiding officer shall immediately give notice to said house that said papers are in his possession.

When either party may take depositions. 2560. SEC. 57. At any time after notice of any contest shall be given, and before the trial of such contested election before the proper branch of the Legislature, it may be lawful for either party to such contest to take depositions, to be read on the trial thereof in like manner and under the same rules as are allowed and required in cases of depositions to be read on any trial pending in the District Court; and such depositions, when thus taken, shall be sealed up by the officer taking the same and directed to the Secretary of State, who shall keep the same, unopened, and deliver them to the presiding officer of the house in which such contest is to be tried, to be disposed of by such officer as the depositions specified in the preceding section.

FOR CONTESTING THE ELECTION OF STATE OFFICERS.

Who may contest, and how. 2561. SEC. 58. Any qualified elector of the State may contest the election of any person declared duly elected to any State office within this State by filing a specification of the grounds of such contest with the Clerk of the Supreme Court, which specification shall be verified by oath or affirmation, and it is hereby made the duty of the Attorney General to prosecute such action in the name of the People of the State, before the Supreme Court, who shall have original jurisdiction in such cases; the Justices, or either of them, shall have power to issue such process as may be necessary to the complete hearing and final determination of such action.

Causes for removal from office. 2562. SEC. 59. If any person now holding or who shall hereafter hold any office in this State, who shall refuse or neglect to perform any official act in the manner and form as now prescribed by law, or who shall be guilty of any malpractice or malfeasance in office, shall be removed therefrom as herein prescribed.

Malpractice in office, proceedings for. 2563. SEC. 60. Whenever any complaint in writing, duly verified by the oath of any complainant, shall be presented to the District Court, alleging that any officer within the jurisdiction of said Court has been guilty of charging and collecting any illegal fees for services rendered or to be rendered in his office, or has refused or neglected to perform the official duties pertaining to his office as prescribed by law, or has been guilty of any malpractice or malfeasance in office, it shall be the duty of the Court to cite the party charged to appear before him on a certain day, not more than ten nor less than five days from the time when said complaint shall be presented, and on that day, or some subsequent day not more than twenty days from that on which said complaint is presented, shall proceed to hear, in a summary manner, the complaint and evidence offered by the party complained of, and if, on such hearing, it shall appear that the charge or charges of said complaint are sustained, the Court shall enter a decree that said party complained of shall be deprived of his office, and shall enter a judgment for five hundred dollars in favor of the complainant and such costs as are allowed in civil cases.

Copy of decree to be transmitted to Governor or County Commissioners.

2564. SEC. 61. It shall be the duty of the Clerk of the Court in which such proceedings are had to transmit, within three days thereafter, to the Governor of the State, or Board of County Commissioners (as the case may be) of the proper county, a copy of any decree or judgment declaring any officer deprived of any office under this Act; and it shall be the duty of the Governor or such Board of County Commissioners (as the case may be) to appoint some person to fill said office until a successor shall be selected or appointed and qualified; and it shall be the duty of the person so appointed to give such bond and security as are prescribed by law and pertaining to such office.

On appeal, office to be filled.

2565. SEC. 62. In case judgment of the District Court, as herein provided, shall be against the officer complained of, and an appeal taken from the judgment so rendered, the officer so appealing shall not hold the office during the pending of such appeal; but such office shall be filled as in case of a vacancy.

BY CRIMINAL ACTION.

Proceedings on accusations against district, county, or township officers.

2566. SEC. 63. An accusation, in writing, against any district, county, or township officer, for willful misconduct in office, may be presented by the Grand Jury of the county, for which such officer accused is elected or appointed, which accusation shall state the offense charged, and shall be delivered by the Foreman of the Grand Jury to the District Attorney of the county, who shall cause a copy thereof to be served upon the defendant, and require, by notice in writing, of not less than ten days, that he appear before the District Court then sitting, or at the next term, and answer the accusation. The original accusation shall then be filed with the Clerk of the District Court.

Defendant to appear and answer.

2567. SEC. 64. The defendant must appear at the time appointed in the notice, and answer the accusation, unless for some sufficient cause the Court assign another day for that purpose. If he do not appear, the Court may proceed to hear and determine the accusation in his absence.

The answer, how made.

2568. SEC. 65. The defendant may answer the accusation, either by objecting to the sufficiency thereof, or to any allegation therein, or by denying the truth of the same.

Objections must be in writing.

2569. SEC. 66. If he object to the legal sufficiency of the accusation, the objection must be in writing, but need not be in any specified form, it being sufficient if it present intelligibly the grounds of the objection.

Denial may be oral and without oath. 2570. SEC. 67. If he denies the truth of the accusation, the denial may be oral, and without oath, and shall be entered upon the minutes.

Answer forthwith. 2571. SEC. 68. If an objection to the sufficiency of the accusation be not sustained, the defendant shall be required to answer the accusation forthwith.

Judgment on plea of guilty. 2572. SEC. 69. If the defendant plead guilty, and refuses to answer the accusation, the Court shall render judgment of conviction against him. If he deny the matter charged, the Court shall immediately, or as soon thereafter as practicable, proceed to try the accused, which trial shall be conducted in all respects and in like manner as trial upon indictment for other offenses. Trial, how conducted.

Judgment on conviction. 2573. SEC. 70. Upon a conviction, the Court shall immediately, or within five days, as it may appoint, pronounce judgment that the defendant be removed from office; but to warrant a removal, the judgment must be entered upon the minutes, assigning thereon the causes of removal. How entered.

Appeal, how taken. 2574. SEC. 71. From a judgment of removal, an appeal may be taken to the Supreme Court, in the same manner as from a judgment in a civil action; but until such judgment be reversed the defendant shall be suspended from his office. Pending the appeal the office may be filled as in case of a vacancy. Office may be filled.

Proceedings for removal of District Attorney. 2575. SEC. 72. The same proceedings may be had on like grounds for the removal of a District Attorney, except that the accusation shall be delivered to the District Judge of the district, who shall thereupon appoint some one to act as a prosecuting officer in the matter, or shall place the accusation in the hands of the District Attorney of the nearest adjoining district, and require him to conduct the proceedings.

BY IMPEACHMENT.

Impeachment, articles of. 2576. SEC. 73. Where a civil officer of the State is impeached by the Assembly for misconduct in office, the articles of impeachment shall be delivered to the President of the Senate, who shall cause a copy thereof with a notice to appear and answer the same, at the time and place appointed, to be served on the defendant not less than ten days before the day fixed for the hearing.

Service on defendant. 2577. SEC. 74. The service must be upon the defendant personally; or, if he cannot, upon diligent inquiry, be found within the State, the Senate, upon due proof of that fact, may order that publication be made in such manner as they deem proper, of a notice requiring him to appear at a specified time and place, and answer the articles of impeachment.

Failure to appear. 2578. SEC. 75. If the defendant do not appear, the Senate, upon proof of personal service or publication, as provided in the last two preceding sections, may, of their own motion or for cause shown, assign another day for hearing the impeachment, or may then, or at any other time which they may appoint, proceed in the absence of the defendant, to trial and judgment.

Answer, how made. 2579. SEC. 76. When the defendant appears, he must answer to the articles of impeachment, which he may do either by objecting to the sufficiency of the same or any article thereof, or denying the truth of the same.

Objections to be in writing. Denial may be oral and without oath.

2580. SEC. 77. If the defendant object to the sufficiency of the impeachment, the objection must be in writing, but need not be in any specific form, it being sufficient if it presents intelligibly the grounds of the objection. If he deny the truth of the impeachment the denial may be oral and without oath, and shall be entered upon the journal.

Judgment on plea of guilty. Who shall preside over the Senate.

2581. SEC. 78. If he plead guilty or refuse to plead, the Senate shall render judgment of conviction against him. If he deny the matter charged, the Senate shall, at such time as they may appoint, proceed to try the impeachment. The Chief Justice of the Supreme Court shall preside over the Senate while sitting to try the Governor or Lieutenant Governor upon impeachment, and in all other cases, the President of the Senate.

Oath to be administered to the President and Senators.

2582. SEC. 79. At the time and place appointed, before the Senate proceed to act on the impeachment, the Secretary shall administer to the President of the Senate or Chief Justice (as the case may be) and the President of the Senate or Chief Justice (as the case may be) to each of the members of the Senate then present, an oath or affirmation, truly and impartially to hear, try, and determine the impeachment.

What judgment may be.

2583. SEC. 80. The judgment may be that the defendant be suspended and removed from office, or that he be removed from office and disqualified to hold and enjoy a particular office, or class of offices, or any office of honor, trust, or profit under the Constitution and laws of this State.

Two-thirds vote. Disqualifications, etc.

2584. SEC. 81. If judgment of suspension be given on the votes of two thirds of the members elected to each branch of the Legislature, the defendant shall, during the continuance thereof, be disqualified from receiving the salary, fees, or emoluments of the office; and the Judge, District Attorney, or any State officer complained of, shall be served with a copy of the complaint against him, and have an opportunity of being heard in person or by counsel, in his defense; *provided*, that no member of either branch of the Legislature shall be eligible to fill the vacancy occasioned by such removal.

When President of the Senate temporarily suspended.

2585. SEC. 82. When articles of impeachment shall be presented against the President of the Senate, such officer shall be temporarily suspended from his office and shall not act in his official capacity until duly acquitted. Upon such suspension of any State officer whose office is created by the Constitution or laws of this State, the Governor shall immediately take charge of his office, and such office shall at once be temporarily filled by appointment by the Governor until the acquittal of the party impeached, or in case of his removal, then until the vacancy be filled as provided by law.

Fraudulent action of officers of election, how punished.

2586. SEC. 83. Every person charged with the performance of any duty under the provisions of any law of this State relating to elections, who willfully neglects or refuses to perform it, or who in his official capacity, knowingly and fraudulently acts in contravention or violation of any of the provisions of such laws, shall be deemed guilty of felony, and punishable by fine not exceeding one thousand dollars, or by imprisonment in the State Prison not exceeding five years, or by both such fine and imprisonment.

Persons refusing to be sworn, or to answer questions, how punished.

2587. SEC. 84. Every person who, after being required by the Board of Judges at any election, refuses to be sworn, or who, after being sworn, refuses to answer any pertinent question propounded by such Board touching his right or the right of any other person to vote, is guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars, or imprisonment in the County Jail not exceeding three months, or by both such fine and imprisonment.

Punishment for fraudulent voting, etc.

2588. SEC. 85. Every person not entitled to vote who fraudulently votes, and every person who votes more than once at any election, or knowingly hands in two or more tickets folded together, or changes any ballot after the same has been deposited in the ballot box, or adds or attempts to add any ballot to those legally polled at any election, either by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add to or mix with, the ballots lawfully provided, other ballots while the same are being counted or canvassed, or abstracts any ballots lawfully polled any other time with intent to change the result of such election, or carries away or destroys, or attempts to carry away or destroy, any poll list, or ballots, or ballot box, for the purpose of breaking up or invalidating such election, or willfully detains, mutilates, or destroys any election returns, or in any manner so interferes with the officers holding such election or conducting such canvass, or with voters lawfully exercising their right of voting at such election, as to prevent such election or canvass from being fairly held and lawfully conducted, shall be guilty of felony, punishable by a fine not exceeding one thousand dollars, or by imprisonment in the State Prison not exceeding five years, or by both such fine and imprisonment.

Punishment for fraudulent attempt to vote.

2589. SEC. 86. Every person not entitled to vote who fraudulently attempts to vote, or who, being entitled to vote, attempts to vote more than once at any election, or who procures, aids, assists, counsels, or advises another to give or offer his vote at any election, knowing that the person is not qualified to vote, shall be guilty of a misdemeanor, punishable by a fine not exceeding two hundred dollars, or by imprisonment in the County Jail not exceeding sixty days, or by both such fine and imprisonment.

Punishment for examining, or attempting to examine, the names on ballot, or for forging or counterfeiting returns by election officers.

2590. SEC. 87. Every Inspector, Judge, or Clerk of an election, who, previous to putting the ballot of an elector in the ballot box, attempts to find out any name on such ballot, or who opens or suffers the folded ballot of any elector which has been handed in to be opened or examined previous to putting the same into the ballot box, or makes or places any mark or device on any folded ballot, with a view to ascertain the name of any person for whom the elector has voted, or who, without the consent of the elector, discloses the name of any person which such Inspector, Judge, or Clerk has fraudulently or illegally discovered to have voted for by such elector, is punishable by fine of not less than fifty nor more than five hundred dollars. Every person who forges or counterfeits returns of an election purporting to have been held at a precinct, town, or ward, when no election was in fact held, or willfully substitutes forged or counterfeit returns of election in the place of the true returns of a precinct, town, or ward where an election was actually held, is punishable by imprisonment in the State Prison for a term of not less than two nor more than ten years.

Punishment for corrupting or intimidating electors, etc.

2591. SEC. 88. Every person who, by force, threats, menaces, bribery, or any corrupt means, either directly or indirectly, attempts to influence an elector in giving his vote, or to deter him from giving the same, or attempts by any means to awe, restrain, hinder, or disturb any elector in the free exercise of the right of suffrage, or furnishes any elector wishing to vote, who cannot read, with a ticket, informing or giving such elector to understand that it contains a name written or printed thereon different from the name which is written or printed thereon, or defrauds any elector at such election by deceiving and causing such elector to vote for a different person or any office than he intended or desired to vote for, or who, being Inspector, Judge, or Clerk of any election, while acting as such, induces, or attempts to induce, any elector, either by menace, or reward, or promise thereof, to vote different from what such elector intended or desired to vote, shall be guilty of felony, punishable by fine not exceeding one thousand dollars, or imprisonment in the State Prison not exceeding five years, or by both such fine and imprisonment.

Punishment for doing certain acts with intent to promote the election of any person.

2592. SEC. 89. Every person who, with intent to promote the election of himself or any other person, either:

First—Furnishes entertainment at his expense to any meeting of electors previous to or during an election.

Second—Pays for, procures, or engages to pay for any such entertainment.

Third—Furnishes or engages to pay or deliver any money or property for the purpose of procuring the attendance of voters at the polls, or for the purpose of compensating any person for procuring attendance of voters at the polls, except for the conveyance of voters who are sick or infirm.

Fourth—Furnishes or engages to pay or deliver any money or property for any purpose intended to promote the election of any candidate, except for the expenses of holding and conducting public meetings, for the discussion of public questions, and of printing and circulating ballots, handbills, and other papers, previous to such election, shall be guilty of a misdemeanor, punishable by fine not exceeding five hundred dollars or imprisonment not exceeding six months in the County Jail.

Punishment for offering bribe.

2593. SEC. 90. Every person who gives or offers a bribe to any officer or member of any Legislature, caucus, political Convention, committee, primary election, or political gathering of any kind, held for the purpose of nominating candidates for offices of honor, trust, or profit in this State, with intent to influence the person to whom such bribe is given or offered to be more favorable to one candidate than another, shall be guilty of felony, punishable by a fine not exceeding five thousand dollars or ten years imprisonment in the State Prison, or both such fine and imprisonment.

2594. SEC. 91. Every person who, being a candidate at any election, offers or agrees to appoint or procure the appointment of any particular person to office, position, or employment as an

Punishment for offering to appoint or procure appointment to any office in consideration of votes.

inducement or consideration to any person to vote for, or procure, or aid in procuring the election of such candidate, or person not being a candidate, who communicates any offer made in violation of this and the preceding section, to any person with intent to induce him to vote for, or to procure or aid in procuring the election of the candidate, shall be deemed guilty of felony, punishable by imprisonment not exceeding five years or a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Punishment for selling liquors, etc.

2595. SEC. 92. No person shall sell, give away, or furnish, or cause to be sold, given away, or furnished, either for or without pay, within this State, on any day upon which any general election is held, nor within the limits of any county or city on any day upon which any special or municipal election is held therein, any spirituous, malt, or fermented liquors or wines; and any one so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred nor more than one thousand dollars, or by imprisonment in the County Jail not less than one nor more than six months, or by both such fine and imprisonment, in the discretion of the Court; and it shall be the duty of Judges of the District Courts of the several Judicial Districts in this State, to specially give this act in charge to every Grand Jury impaneled in their respective districts.

Governor directed to offer rewards for arrest and conviction of persons violating this Act.

Rewards, how paid.

2596. SEC. 93. The Governor is hereby authorized and directed, at least thirty days previous to any general election and fifteen days previous to any special election, to issue a proclamation offering a reward of one hundred dollars for the arrest and conviction of any person violating any of the provisions of this Act, when the crime is a misdemeanor; and a reward of two hundred dollars for the arrest and conviction of any person guilty of felony, as herein provided; and such rewards to be paid until the total amount hereafter expended for the purpose reaches the sum of ten thousand dollars, payable out of any moneys in the State Treasury not otherwise appropriated. And all moneys collected under the provisions of this Act shall revert to the General School Fund of the several counties where such case was brought.

Secretary of State to publish this Act in pamphlet form.

2597. SEC. 94. It shall be the duty of the Secretary of State to cause to be printed in pamphlet form a requisite number of copies of this Act, with marginal notes and properly indexed, a suitable number of which shall be forwarded by him to the County Clerks of the several counties of this State, at least sixty days previous to the holding of any general election, and at least twenty days previous to the holding of any special election; and it is hereby made the duty of the said County Clerks to inclose in each and every ballot box sent out by them to be used at the various precincts of their respective counties, five or more copies of said Act, as in their judgment they may deem proper.

Acts repealed.

2598. SEC. 95. "An Act relating to elections, the manner of conducting and contesting the same, fraud upon the ballot box, destroying or attempting to destroy the ballot box, illegal or attempted illegal voting and misconduct at elections," approved March ninth, eighteen hundred and sixty-six, and an Act amendatory of the aforesaid Act, approved February twenty-fifth, eighteen hundred and sixty-nine; also, an Act supplementary to the aforesaid Act, approved March fifth, eighteen hundred and sixty-nine, are hereby repealed.

CHAPTER LXII.

OF OFFICERS, THEIR QUALIFICATIONS, TIMES OF ELECTION, OFFICIAL DUTY, RESIGNATIONS, REMOVALS, VACANCIES IN OFFICE AND MODE OF SUPPLYING THE SAME, MISCONDUCT IN OFFICE, AND ENFORCING OFFICIAL DUTY.

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An Act relating to officers, their qualifications, times of election, terms of office, official duties, resignations, removals, vacancies in office, and the mode of supplying the same, misconduct in office, and to enforce official duty.

[Approved March 9, 1866, p. 231.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

What officers to be elected.

2599. SECTION 1. There shall be elected the following officers, to wit: First—A Governor and Lieutenant Governor. Second—Two United States Senators. Third—As many members of the House of Representatives of the United States as this State may be entitled to. Fourth—As many Presidential Electors as this State may be entitled to. Fifth—Three Justices of the Supreme Court. Sixth—One District Judge for each judicial district into which the State is divided by law. (1) Seventh—Senators and members of the Assembly. Eighth—A Secretary of State, State Treasurer, State Controllor, Attorney General, and Surveyor General. Ninth—A Clerk of the Supreme Court. Tenth—A State Superintendent of Public Instruction. Eleventh—For each county, one County Clerk, who shall be ex officio Clerk of the Board of County Commissioners, and also Clerk of the District Court of his county; one Sheriff; one District Attorney; one Public Administrator, who shall be ex officio Coroner; one Assessor; one Treasurer; one County Surveyor; one County School Superintendent; three County Commissioners, except in counties having a voting population of four thousand and upwards, and in those counties five; one County Recorder, who shall be ex officio County Auditor; Justices of the Peace; and Constables. The following officers shall be appointed, to wit: Notaries Public, Commissioners of Deeds, for the respective States and Territories of the United States and foreign countries, and all the officers which are not elective.

To be appointed.

(1) TIME OF ELECTION OF DISTRICT JUDGES.—The Constitution contemplates that the election of District Judges throughout the States shall all occur at the same time; and it is competent for the Legislature to provide that a Judge to be elected at another time shall hold only till the time of such general election of Judges, though it may not give him a full term of four years.—Hubbard v. Goring, 6 Nev., p. 276.

NOTICE OF ELECTION FOR FULL TERM NOT INDISPENSABLE.—Where a full term of the office of District Judge is to be filled, the failure to give notice of election (such as is required when a vacancy is to be filled) will not vitiate an election.—Id.

QUALIFICATIONS OF OFFICERS.

2600. SEC. 2. No person who is not a qualified elector shall be eligible to any office of honor, profit, or trust, in and under the government and laws of this State. No person shall be eligible to the office of Governor, Lieutenant Governor, Judge of the Supreme Court, Secretary of State, State Treasurer, State Controller, Attorney General, Surveyor General, Superintendent of Public Instruction, who, at the time of such election, has not attained the age of twenty-five years, and been a citizen resident of this State for two years next preceding the election; and to the offices of Clerk of the Supreme Court, State Senator, or Assemblyman, who, at the time of such election, has not attained the age of twenty-one years, and been a citizen resident of this State one year next preceding the election. Any person over the age of twenty-five years shall be eligible to the office of District Judge who is a qualified elector of the State and district in which he resides. Who eligible to office.

OF THE ELECTION OF PRESIDENTIAL ELECTORS AND THE TIME AND MANNER THEREOF.

2601. SEC. 3. In each year when the election of President and Vice President of the United States is to take place, there shall be chosen as many electors of President and Vice President as this State may be entitled to at the time of such election. Presidential electors

2602. SEC. 4. The qualified voters of the State shall meet at the places designated for holding the general election in the different counties in the State, on the Tuesday next after the first Monday in November, in each year when the election of President and Vice President is to take place, unless the Congress of the United States shall appoint a different day, and in that case, on such day as Congress shall appoint, and shall proceed to elect as many persons as the State shall then be entitled to elect as electors of President and Vice President. Time and manner of election.

2603. SEC. 5. Notice of the election of electors shall be given in the same manner as notice is required to be given of other elections, and the election thereof made in the same manner as is prescribed by law in regard to the election of Representatives in Congress. Notice of election, how given.

2604. SEC. 6. The electors so chosen shall convene at the seat of Government on the first Wednesday in December next after their election, at two o'clock in the afternoon, and in case of the death or absence of any elector so chosen, or in case the number of electors shall, from any cause, be deficient, the electors then present shall forthwith elect from the qualified electors of the State, so many persons as shall supply the deficiency. [As amended February 16, Stats. 1869, p. 64.] Electors, when and where to convene.

2605. SEC. 7. The electors, when convened on said first Wednesday in December, shall vote by ballot for one person for President and one person for Vice President of the United States, one of whom, at least, shall not be an inhabitant of this State. They shall name in their ballots the persons voted for as Duties when convened.

President, and in distinct ballots the persons voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes given for each, which list they shall sign and certify and transmit, sealed up, to the seat of Government of the United States, directed to the President of the Senate; and they shall, in all respects, proceed conformably to the Constitution of the United States, and the laws of the United States in this behalf provided. [As amended February 16, Stats. 1869, p. 64.]

OF THE ELECTION OF REPRESENTATIVES IN CONGRESS, AND THE TIMES AND MANNER THEREOF.

Election of Representatives in Congress.

2606. SEC. 8. At the general election in the year eighteen hundred and sixty-six, and at the general election in each second year thereafter, there shall be elected such number of Representatives to the Congress of the United States as the State of Nevada may be entitled to.

OF TIMES OF ELECTION AND TERMS OF STATE AND COUNTY OFFICERS, EXCEPT PRECINCT OFFICERS.

State and county officers, by whom elected.

2607. SEC. 9. The Governor, Lieutenant Governor, Secretary of State, Justices of the Supreme Court, State Treasurer, State Controller, Attorney General, Surveyor General, Clerk of the Supreme Court, and State Superintendent of Public Instruction, shall all be elected by the qualified electors of the State; Members of the House of Representatives of the United States, District Judges, District Attorneys, Senators, Members of the Assembly, County Commissioners, County School Superintendents, Sheriffs, County Clerks, Public Administrators, Recorders, Assessors, County Treasurers, and County Surveyors, shall be elected by the qualified electors of their respective districts or counties. Justices of the Peace and Constables shall be elected by the qualified electors of their respective precincts or townships.

State officers, when chosen, and term of office.

2608. SEC. 10. The Governor, Lieutenant Governor, Secretary of the State, State Controller, State Treasurer, Attorney General, and Surveyor General shall be chosen at the general election of the year eighteen hundred and sixty-six, and every fourth year thereafter, and shall hold their office for the term of four years from the time of their installment, and until their successors shall be qualified, and all of said officers, excepting the Surveyor General, shall keep their office and reside at the seat of government.

Justices of Supreme Court, when chosen, etc.

2609. SEC. 11. One Justice of the Supreme Court shall be chosen by the qualified electors of the State, at the general election of the year eighteen hundred and sixty-six, and one every second year thereafter, and shall hold his office for the term of six years from the first Tuesday after the first Monday in January next after his election. Each Justice hereafter elected or appointed shall be commissioned by the Governor, and before entering upon the discharge of his duties shall take the constitutional oath of office. The senior Justice in commission shall be Chief Justice, and in case the commission of any two or more of said Justices shall bear the same date, they shall determine by lot who shall be Chief Justice.

2610. SEC. 12. At the general election in the year eighteen hundred and sixty-six, and at the general election every four years thereafter, the Clerk of the Supreme Court shall be chosen by the qualified electors of the State, and shall hold his office for the term of four years from the first Tuesday after the first Monday in January next after his election, and until his successor is qualified. Clerk of Supreme Court.

2611. SEC. 13. At the general election in the year eighteen hundred and sixty-six, and at the general election every four years thereafter, the State Superintendent of Public Instruction shall be chosen by the qualified electors of the State, and shall hold his office for the term of four years from the first Monday of January next after the election, and until his successor is qualified. Superintendent of Public Instruction.

2612. SEC. 14. District Judges shall be chosen by the qualified electors of their respective districts, at the general election of the year eighteen hundred and sixty-six, and shall hold their offices for the term of four years from the first Monday of January next after their election. District Judges.

2613. SEC. 15. The members of the Assembly shall be chosen by the qualified electors of their respective districts, at the general election of the year eighteen hundred and sixty-six, and shall hold their office for the term of two years from the day succeding such election. Assemblymen.

2614. SEC. 16. The Senators shall be elected by the electors of their respective districts, at the general election in the year eighteen hundred and sixty-six, and every two years thereafter, and shall hold their offices for four years from the day succeeding such general election. Senators.

2615. SEC. 17. County Clerks, Sheriffs, County Assessors, County Treasurers, District Attorneys, County Surveyors, County Recorders, County School Superintendents, County Commissioners, and Public Administrators, shall be chosen by the electors of their respective counties, at the general election in the year eighteen hundred and sixty-six, and at the general election every two years thereafter, and shall enter upon the duties of their respective offices on the first Monday of January subsequent to their election. County officers.

ELECTION OF JUSTICES OF THE PEACE AND CONSTABLES.

2616. SEC. 18. The Board of County Commissioners of each county shall, from time to time, as the public good may require, divide said county into a convenient number of townships, and shall cause such division to be published. For each of such townships one Justice of the Peace shall be elected. The Constables of the several townships of the State shall be chosen at the general election of the year eighteen hundred and sixty-six, and shall enter upon the duties of their offices on the first Monday of January next succeeding their election, and shall hold their offices for the term of two years thereafter, until their successors are elected and qualified. Justices of the Township officers.

Peace of the several townships of the State shall be chosen at a general election, to be held for that purpose, on the Tuesday after the first Monday in November, in the year eighteen hundred and sixty-six, who shall hold their offices from the expiration of the term of the present incumbents until the first Monday of January, A. D. eighteen hundred and sixty-nine, and until their successors are elected and qualified.

New township. 2617. SEC. 19. When any Justice of the Peace, in the formation of a new township, shall be brought within the limits thereof, he shall be one of the Justices of the Peace allowed to such new township, and shall continue in office until the expiration of the term for which he was elected.

Same. 2618. SEC. 20. If, by annexing a part of one township to another, there should be more than the proper number of Justices within the limits of the townships to which such addition shall have been made, any Justice of the Peace brought within such township shall, notwithstanding, hold and exercise his office therein until the expiration of his term of office, but no successor shall be elected to fill any vacancy in said office which may be occasioned by the expiration of said term, or otherwise. And whenever any township, in consequence of a part being taken to form a new township, or to be annexed to any other township, shall be deprived of its proper number of Justices of the Peace, the vacancy thus produced shall be supplied, as in other cases.

Same. 2619. SEC. 21. When any Constable, by the formation of a new township, shall be brought within the limits thereof, he shall continue to act as Constable to such new township, and shall continue in office until the expiration of the term for which he was elected.

OATH AND BOND OF OFFICE.

Oath and bond. 2620. SEC. 22. Members of the Legislature, and all officers, executive, judicial, and ministerial, shall, before entering upon the duties of their respective offices, provide the official bond required by law, when such bond shall be required, and take and subscribe to the official oath. All officers elected, except Senators and Representatives, shall qualify, and execute and deliver their official bonds, (when required), as above provided, prior to the Tuesday after the first Monday in January ensuing their election; and all officers appointed to fill vacancies, in the cases provided by law, shall qualify and give bond (when required), within thirty days from the time of their appointment. The term of office of all officers elected or appointed shall begin from the time of their qualification, unless some other express provision is made by law.

Oath to be indorsed on commission 2621. SEC. 23. Said oath, except in cases specified in the next two sections, shall be indorsed on the commission or certificate of election of such officer, and signed by him, and certified by the officer before whom such oath or affirmation shall have been taken.

Members of the Legislature. 2622. SEC. 24. Members of the Legislature shall take and subscribe to the official oath before they assume their seats as such members, and an entry thereof shall be made on the journal of the proper house.

2623. SEC. 25. The Governor and Lieutenant Governor shall, respectively, take the official oath, in the presence of both houses of the Legislature, met in Convention for that purpose, and an entry thereof shall be made on the journals of said houses. Governor and Lieutenant Governor.

2624. SEC. 26. The oath shall be taken, and, except in the cases prescribed in the two next preceding sections, may be subscribed before any Judge of the Supreme or District Court or Clerk thereof, County Clerk, Notary Public, or Justice of the Peace, unless otherwise directed by law. Before whom oath may be taken.

2625. SEC. 27. It shall be the duty of every officer, whose oath of office is required to be indorsed on his commission or certificate of election, to take and subscribe said oath at the time of the reception of said commission or certificate. Oath to be taken at the time of reception of commission.

2626. SEC. 28. When any officer is authorized or required by law, to appoint a deputy, such deputy, before he shall proceed to act, shall take the same oath as his principal. (a) Deputies.

(a) Appointment of deputies by ministerial officers.—See Sec. 3067, et seq.

COMMISSIONS AND CERTIFICATES OF ELECTION.

2627. SEC. 29. All commissions of officers shall be in the name and by the authority of the State of Nevada, and shall be sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State. Commissions of officers, how issued.

2628. SEC. 30. Members of the Legislature and all county and precinct officers elected by the people, shall receive certificates of election from the Boards of County Commissioners of their respective counties, and all State officers shall receive their commissions from the Governor. Certificates of elections and commissions.

2629. SEC. 31. It shall be the duty of the Clerk of the Board of County Commissioners of each county in this State, within ten days after the election or appointment and qualification of any county officer (authorized by law to take acknowledgments or administer oaths), or Justice of the Peace, in their county, to certify, under seal, to the Secretary of State (stating the election or appointment and qualification of any such officer), which certificate shall be filed in the office of the Secretary of State as evidence of the official character of such officers. Election and qualification to be certified to Secretary of State. Said Clerk shall, also, within ten days after a vacancy has occurred in any county office, or office of Justice of the Peace (by resignation or otherwise), certify to the Secretary of State the fact of such vacancy. Vacancies to be certified. Each district officer, authorized by law to take acknowledgments or administer oaths, shall, within ten days after entering upon the discharge of the duties of his office, file a duplicate certificate of his official oath in the office of the Secretary of State, which certificate shall be evidence of the official character of such officer; and all resignations of any officer, required to be made to the Governor, shall be by him filed in the office of the Secretary of State. District officers to file duplicate oath.

Commission or certificate.

2630. SEC. 32. Any officer elected or appointed to fill any vacancy shall be commissioned, or receive a certificate of election or appointment to such office.

OF RESIGNATIONS.

Resignations and vacancies.

2631. SEC. 33. Any person who shall receive a commission, or a certificate of his election or appointment, shall be at liberty to resign such office, though he may not have entered upon the execution of its duties or taken the requisite oath of office; and when any vacancy shall occur in the office of member of the Senate or Assembly, by death, resignation, or otherwise, and a session of the Legislature is to take place before the next general election, the Governor shall issue a writ of election, directed to the Board of County Commissioners of the county or district in which such vacancy shall occur, commanding such Board to notify the several Inspectors in their county or district to hold a special election to fill such vacancy or vacancies, at a time appointed by the Governor.

Resignations, how made.

2632. SEC. 34. Resignations of office shall be made as follows, to wit: First—The Governor and Lieutenant Governor shall transmit their resignations to the Legislature, if in session, and if not in session, then to the Secretary of State. Second—All State officers commissioned by the Governor or elected by the Legislature (except the officers of that body), shall resign their commissions to the Governor. Third—Members of the Legislature, when they resign their seats, shall deliver their resignations to the Governor, and he shall immediately order an election to fill such vacancy. Fourth—By all county officers (except District Judges, and they to the Governor,) to the Board of County Commissioners of their respective counties. Fifth—By all other officers holding office by appointment, to the officer, body, or Board that appointed them.

OF VACANCIES.

Vacancies, how occasioned.

2633. SEC. 35. Every office shall become vacant upon the occurring of either of the following events before the expiration of the term of such office: First—The death or resignation of the incumbent. Second—The removal of the incumbent from office. Third—The confirmed insanity of the incumbent, found upon a commission of lunacy, issued to determine the fact. Fourth—A conviction of the incumbent of any felony or offense involving a violation of his official oath or bond. Fifth—A refusal or neglect of the person elected or appointed to take the oath of office, as prescribed in section twenty-two of this Act; or, when a bond is required by law, his refusal or neglect to give such bond within the time prescribed by law. Sixth—The ceasing of the incumbent to be a resident of the State, district, county, city, or precinct, in which the duties of his office are to be exercised, or for which he shall have been elected or appointed. Seventh—The ceasing of the incumbent to discharge the duties of his office for the period of three months, except when prevented by sickness, or by absence from the State, upon leave, as provided by law. Eighth—The decision of a competent tribunal, declaring the election or appointment void, or the office vacant.

Member of Legislature 2634. SEC. 36. But when a vacancy shall occur in the office of a member of the Legislature during the session thereof, such vacancy shall be notified to the Governor, by the presiding officer of the House in which such vacancy shall have occurred.

Removal. 2635. SEC. 37. Whenever any officer shall be removed from office on impeachment and conviction, as declared in the Constitution and laws of this State, it shall be the duty of the Secretary of the State to transmit a certified copy thereof to the officer (as the case may be), whose duty it shall be to order an election, or make an appointment to supply the vacancy caused by the removal of such officer from office.

When declared vacant. 2636. SEC. 38. The Governor shall declare vacant the office of every State officer, and the office of District Judge; and the Board of County Commissioners shall declare the office of every county officer, except the District Judge, required by law to execute an official bond, whenever a final judgment shall be obtained against such officer for a breach of the conditions of such bond, or whenever such officer shall be finally convicted of a felony, or any offense involving a violation of his official oath.

Cause of vacancy to be certified to Governor or Commissioners. 2637. SEC. 39. Whenever a vacancy occurs in any office, as specified in this Act (except in cases of resignations made to the Governor or Legislature, or Board of County Commissioners, in which cases it is the duty of the Governor and such Boards of County Commissioners to issue a writ of election, or make an appointment to fill such vacancy, as the case may be), the Secretary of State, or Clerk of the Board of County Commissioners of the county where such officer exercised the duties of his office, if confined to a single county; and, if not thus confined, then the Clerk of the Board of County Commissioners, where such officer last resided, previous to the occurring of such vacancy, shall certify to the Governor, or such Board of County Commissioners, the cause of such vacancy, and if such vacancy occurs from the confirmed insanity of the incumbent, or from his conviction of a felony, or an offense involving a violation of his official bond or oath, the Secretary of State, or Clerk of such Board of County Commissioners, shall also accompany their certificate by a certified copy of a judgment found upon the commission of lunacy, or a certified copy of the record of conviction for such felony or offense, as the case may be.

OF SUPPLYING VACANCIES.

Vacancies, how supplied. 2638. SEC. 40. Whenever a vacancy shall occur, during the recess of the Legislature, in any office which the Legislaure is authorized to fill by election, or which the Governor, ubject to confirmation by the Senate, is authorized to fill, the Governor, unless it is otherwise specially provided, may appoint ome suitable person to perform the duties of such office. (1)

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(1) INSANITY OF DISTRICT JUDGE. — Where a District Judge was pronounced insane and sent to an insane asylum

under the provisions of the statute for the care of insane persons (Stats. 1869, p. 104), and upon a certificate thereof, the Governor appointed another person to fill his office, as in case of a vacancy: *Held*, that the office was not vacant, and that the appointment of another Judge was void.—O'Neale v. McClinton, 5 Nev. p. 329.

STATUTE CONCERNING INSANE PERSONS.—VACANCY IN OFFICE.—The finding and declaration of an incumbent of the office of District Judge to be insane, in accordance with the provisions of the statute for the care of the insane (Stats. 1869, p. 104), does not create a vacancy in his office.—Id.

CONSTITUTIONAL CONSTRUCTION—REMOVAL OF JUDGES FROM OFFICE.—As the Constitution (Article VII, Sec. 3,) provides for the removal from office of Judges in a certain manner by the Legislature, such provision is exclusive and prohibitory upon the Legislature of other means for such removal.—Id.

OFFICE, HOW VACATED.—An office presently filled cannot become vacant without removal either voluntary or involuntary; when voluntary, no judicial determination resulting in vacation is necessary; when involuntary, such determination is essential, unless otherwise provided by the Constitution or laws in pursuance thereof.—Id.

ARGUMENT OF INCONVENIENCE.—The argument of inconvenience can have no weight in the construction of a law: or, at most, only in the case of a very doubtful point.—Id.

"VACANCY" IN NEW OFFICE.—Where a new office is created and no person appointed to fill it, there is a vacancy.—Clarke v. Irwin, 5 Nev., p. 111.

When temporary appointments may be made.

2639. SEC. 41. When, at any time, there shall be in either of the county or precinct offices (except the office of District Judge) no officer duly authorized to execute the duties thereof, some suitable person may be temporarily appointed by the Board of County Commissioners to perform the duties of such offices, until they are filled by election or appointment, as provided by law; *provided*, that in case there is no Board of County Commissioners in such county, the Governor may, on notice of such vacancy, create or fill such Board. (1)

(1) Under our form of government there is no inherent right in the people to hold an election to fill any office.—Sawyer v. Haydon, 1 Nev., p. 75.

An election can only be held by virtue of some constitutional provision or legal enactment, either expressly or by direct implication authorizing that particular election.—Id.

A law authorizing the electors of a county biennially to elect a person to fill a certain office, does not, even by implication, authorize them at an intermediate election to choose a person to fill out an unexpired term of the same office; especially is this so where there has been an appointment made to fill the vacancy by legal authority, and there is no law limiting this appointment to a period short of the expiration of the unexpired term.—Id.

2640. SEC. 42. Any person so appointed, in pursuance of either of the last two preceding sections, shall, before proceeding to execute the duties assigned him, qualify in the same manner as required by law of the officer in whose place he shall be appointed; and he shall continue to exercise and perform the duties of the office to which he shall be so appointed until the election of his successor at the next session of the Legislature, or the next general election, and the qualification of such successor thereafter. To qualify.

2641. SEC. 43. In case of the impeachment of the Governor, or his removal from office, death, or inability to discharge the powers and duties of the office, resignation, or absence from the State, the powers and duties shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military forces of the State. When powers of Governor may devolve on Lieutenant Governor.

2642. SEC. 44. If, during the vacancy in the office of the Governor, the Lieutenant Governor shall die, be impeached, displaced, resign, or become incapable of performing the duties of his office, or be absent from the State, the President pro tem. of the Senate shall act as Governor until the vacancy shall be filled or the disability shall cease. When President pro tem. of Senate to act as Governor.

2643. SEC. 45. Whenever the government is administered by the Lieutenant Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of its own members as President for that occasion. When Senate to elect a President.

2644. SEC. 46. Vacancies that may occur in office, the appointment of which is vested in the Governor and Senate, or in the Legislature, shall be filled by the Governor during the recess of the Legislature, by granting commissions which shall expire whenever the Governor and Senate, or the Legislature, shall appoint a person or persons to fill said offices. Vacancies to be filled by Governor during recess of Legislature

2645. SEC. 47. It shall be the duty of the Governor to lay before the Legislature, at the earliest day practicable, a statement of all appointments made by him since the preceding session, to fill vacancies. Governor to apprise Legislature of appointments.

2646. SEC. 48. Whenever any vacancy shall occur in the office of Justice of the Supreme Court, or District Judge, or any State officer, the Governor shall fill the same by granting a commission, which shall expire at the next general election by the people and upon the qualification of his successor, at which election such officers shall be chosen for the balance of the unexpired term. Vacancies to be filled by Governor.

2647. SEC. 49. When any vacancy shall exist or occur in the office of County Clerk, or in any other county or township office, except the office of District Judge, the Board of County Commissioners shall appoint some suitable person to fill such vacancy until the next general election. Vacancies in county or township offices, how filled.

OF PENALTIES FOR BRIBERY, EXTORTION, EMBEZZLEMENT, MISCONDUCT IN OFFICE, AND TO ENFORCE OFFICIAL DUTY.

I.—Of Bribery.

Bribery of Judge, Justice, or member of Legislature

2648. SEC. 50. If any person or persons shall, directly or indirectly, give any sum or sums of money, or any other bribe, present, or reward, or any promise, contract, obligation, or security for the payment or delivery of any money, present, reward, or any other thing, to obtain or procure the opinion, judgment, or decree of any Judge, or Justice of the Peace, acting within this State, or to corrupt, induce such Judge or Justice of the Peace to be more favorable to one side than the other, in any suit, matter, or cause, depending, or to be brought before him or them, or shall, directly, give any sum or sums of money, present, or reward, or any promise, contract, obligation, or security for the payment or delivery of any money, present, or reward, or any other thing, to obtain, procure, or influence any member of the Legislature, or to incline, induce, or influence any such member of the Legislature to be more favorable to one side than to the other, on any question, election, matter, or thing pending or to be brought before the Legislature, or either house thereof, the person so giving any money, bribe, present, or reward, promise, contract, obligation, or security, with the intent, and for the purpose aforesaid; and the Judge, Justice of the Peace, or member of the Legislature, who shall receive or accept the same, shall be deemed guilty of bribery, and, on conviction thereof, shall be punished by imprisonment in the State Prison for a term not less than one nor more than eleven years, and shall be disqualified from holding any office of honor, trust, or profit, in this State.

Punishment.

Persons giving, or officers receiving bribe.

2649. SEC. 51. If any person shall, directly or indirectly, give any sum or sums of money, or any other bribe, present, or reward, or any promise, contract, obligation, or security, for the payment of any present or reward, or any other thing, to any Judge, Justice of the Peace, Sheriff, Clerk, Constable, Public Administrator, Jailor, Attorney General, District, or City Attorney, member of the Legislature, or other officer, ministerial or judicial (but such fees as are allowed by law), the person so giving, and the officer so receiving, any money, bribe, present, reward, promise, contract, obligation, or security, shall be deemed guilty of bribery, and, on conviction thereof, shall be punished by imprisonment in the State Prison for a term not less than one nor more than eleven years, and shall be disqualified to hold any office of honor, trust, or profit, in this State.

Punishment.

Attempting to bribe officers.

2650. SEC. 52. Every person who shall offer or attempt to bribe any member of the Legislature, Judge, Justice of the Peace, Sheriff, Public Administrator, Clerk, Constable, Jailor, Attorney General, District or City Attorney, or other ministerial or judicial officer, in any of the cases mentioned in the two preceding sections, and every member of a Legislature, Judge, Justice of the Peace, Sheriff, Public Administrator, Clerk, Constable, Jailor, Attorney General, District or City Attorney, or other ministerial or judicial officer who shall propose or agree to receive any bribe, in any of the cases mentioned in either of the two preceding sections, shall, on conviction, be imprisoned in the State Prison for a term not less than one nor more than seven years, and shall be disqualified to hold any office of honor, trust, or profit in this State. **Punishment.**

II.—*Of Extortion.*

2651. SEC. 53. If any Judge, Justice of the Peace, Sheriff, Public Administrator, Clerk, Constable, or other officer of this State, ministerial or judicial, shall willfully charge and receive any fee or reward larger than is allowed by law to do, or execute his duty as such officer, or if any such officer shall willfully or corruptly ask or demand, as a condition precedent to the performance of his duty as such officer, any fee or reward, except such as are allowed by law, every such officer so offending shall be deemed guilty of extortion, and, on conviction thereof, shall be fined in any sum not less than two hundred dollars nor more than one thousand dollars, and removed from office. **Extortion.** **Punishment.**

III.—*Of Embezzlement.*

2652. SEC. 54. Every servant, officer, or person employed in any public department, station, or office of the Government of this State, or of any county, city, or town, or in any office of a corporate body, who shall embezzle, steal, secrete, or fraudulently take and carry away any money, goods, chattels, effects, book or books of records, or of account, bond or bonds, bank bill or notes, or any other writing or security for the payment of money or property, of whatever description it may be, being the property of the said State, county, city, town, or corporate body, shall, on conviction thereof, be punished by imprisonment in the State Prison for a term not less than one nor more than eleven years. **Embezzlement by public officer.** **Punishment.**

2653. SEC. 55. If any officer or person who now is, or hereafter may be intrusted by law to collect, disburse, receive, or safely keep any money or moneys, revenue or revenues, belonging to this State, to the School Fund of the State, to the School Fund of any county, city or town, to any county, city or town in this State, to any canal, turnpike or railroad fund of this State, or to any fund for the improvement of any public road, river, creek or other watercourse bordering on or within this State, or to any other fund now being, or hereafter to be, established by law for public purposes, who shall fail or refuse to pay over all moneys, warrants, bills, notes, and orders which any such officer or person shall receive for disbursement, and has not disbursed, or shall collect, or shall receive, for safe keeping, belonging to this State, to any county, city, or town of this State, or to any such fund, as aforesaid, when such officer or person shall be thereto required by law, and demand duly made by the successor or successors of such officer or person in office, or by the officer or person to whom such money, warrants, bills, notes, or orders ought, by law, to be paid over to his or their attorney or agent, duly authorized in writing, signed and acknowledged, if such demand be practicable, every **Officer refusing to pay over public funds.**

Punishment. such officer or person shall be deemed guilty of embezzlement, and, on conviction thereof, be punished by imprisonment in the State Prison for a term not less than one nor more than five years; *provided*, that no person shall be imprisoned in the State Prison, under this section, unless the money not paid over shall amount to one hundred dollars; or if it appear that such failure or refusal shall be occasioned by unavoidable accident or loss. Every person convicted under the provisions of this section shall forever thereafter be disqualified from holding any office of honor, trust, or profit in this State.

Proviso.

Embezzlement. 2654. SEC. 56. If any officer of this State, or of any county, city, town, or corporation in this State, charged with the safe keeping, transfer, or disbursement of public moneys, or moneys of such corporation, shall convert to his own use, in any manner whatever, or shall use, by way of investment in any kind of property or merchandise, or shall loan, with or without interest, any portion of such moneys, bonds, or other evidence of indebtedness of the State, county, city, town, or corporation, intrusted to him for safe keeping, transfer, disbursement, or any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much money as shall be thus taken, converted, invested, used, or loaned, which is hereby declared to be a felony; and the neglect or refusal to pay over, on demand, any such moneys in his hands, upon the presentation of a draft, or order, or warrant, drawn upon him by the proper officer, or any officer authorized by law, and signed by such officer, or to transfer or disburse any such moneys promptly, according to law, on the legal requirements of any officer authorized to make such requirements, shall be prima facie evidence of such conversion to his own use of such moneys as may be in his hands. All persons advising, or knowingly and willfully practicing such embezzlement, upon being convicted thereof before any Court of this State of competent jurisdiction, shall, for every such offense, forfeit and pay to the State, county, city, town, or corporation, a fine equal to the amount embezzled, and shall suffer imprisonment in the State Prison for a term not less than one nor more than five years, and shall forever thereafter be disqualified from holding any office of honor, trust, or profit in this State.

Punishment.

IV.—Of Misconduct in Office.

Misconduct by Clerk or Inspector of Election. 2655. SEC. 57. If any Inspector or Clerk of an election shall, previous to putting the ballot of any elector in the ballot box, and without the consent of such elector, attempt to pry into and find out any name or names on such ballot, which shall have been handed in by such elector in a folded form; or if any Inspector or Clerk of any election shall open, or suffer the folded ballot of any elector, which has been handed in to the Board of Inspectors, to be opened or examined into, without the consent of such elector, previous to putting the same into the ballot box; or if any Inspector or Clerk of any election, or any Registry Agent, or any other person, during the time of the canvassing of the votes polled, or subsequent thereto, or at any other time, shall, without the consent of such elector, compare the number of any vote polled, or suffer any one else to do so, with the corresponding number on the poll book, for the purpose of ascertaining how any elector voted; or if any Inspector or Clerk of an election, or any Registry Agent, having intentionally or unintentionally discovered the name or names of any person or persons voted for by an elector, at any election, and shall disclose the same, any such Inspector or Clerk of any election, Registry Agent, or person so offending, upon conviction thereof, shall be fined in any sum not less than fifty nor more than five hundred dollars. Punishment.

2656. SEC. 58. If any Inspector or Clerk of an election, while acting as such, shall induce, or attempt to induce, any elector, either by menace or reward, or promise thereof, to vote differently from what such elector shall intend or desire to vote, such officer so offending shall, upon conviction thereof, be fined in any sum not less than fifty nor more than five hundred dollars. Same.

2657. SEC. 59. If the Secretary of State, or any Inspector, Clerk of any election, Register, or any other officer, on whom any duty is enjoined by this Act, shall be guilty of any willful neglect of such duty, or of any fraudulent or corrupt conduct in the execution of any such duty, he or they so offending shall, on conviction thereof, be fined in any sum not exceeding two thousand dollars, to which may be added imprisonment in the County Jail not exceeding one year. Willful neglect or corrupt conduct by officer. Punishment.

2658. SEC. 60. It is hereby made the duty of the Secretary of State, after the expiration of thirty days from and after each election of Governor, Lieutenant Governor, Representatives in Congress, and State and county officers, to certify to the proper District Attorneys any and all failures and omissions of the Boards of County Commissioners, and their clerks and other officers, in their respective counties, to comply with the provisions of this Act, in returning, or certifying the returns or certificates of any such election, to the office of the Secretary of State, and every such certificate of the Secretary of State, sealed with the State seal, shall be sufficient presumptive evidence of any such failure or omission herein specified. Duty of Secretary of State when failure to receive returns.

2659. SEC. 61. If any Judge, Justice of the Peace, Sheriff, Public Administrator, Clerk, Recorder, or any other public officer, or any other person whatsoever, shall steal, embezzle, corrupt, alter, withdraw, falsify, or avoid any record, process, charter, gift, grant, conveyance, bond, or contract, or shall, knowingly or willfully, take off, discharge, or conceal any issue, forfeited recognizance, or other forfeiture, or shall forge, deface, or falsify any document or instrument recorded, or any registered acknowledgment or certificate, or shall alter, deface, or falsify any minute, document, book, or any proceedings whatever, of, or belonging to any public office within this State, the person so offending, and being thereof duly convicted, shall be punished by imprisonment in the State Prison for a term of not less than one nor more than eleven years, and fined in any sum not exceeding five thousand dollars. Stealing, altering, or defacing records. Punishment.

2660. SEC. 62. Every Sheriff, or Jailor, or person, who shall be guilty of willful inhumanity or oppression to any Inhumanity to prisoners.

prisoner under his care or custody, shall be fined in any sum not exceeding two thousand dollars, and be removed from office.

Refusing to deliver records.

Punishment.

2661. SEC. 63. If any officer, whose office shall be abolished by law, or who, after the expiration of the term for which he may be appointed or elected, or after he shall have resigned, or when legally removed from office, shall willfully or unlawfully withhold or detain from his successor, or other person entitled thereto by law, the records, papers, documents, or other writing appertaining or belonging to his office, or mutilate, destroy, or take away the same, the person so offending shall, on conviction thereof, be punished by imprisonment in the State Prison for a term of not less than one nor more than eleven years. The provisions of this section shall apply to any person or persons who have such records, documents, papers, or other writings in his, her, or their possession, and shall willfully mutilate, withhold, or detain the same, as aforesaid.

Obstructing officers in service of process.

Punishment.

2662. SEC. 64. If any person shall, knowingly and willfully, obstruct, resist, or oppose any Sheriff, Deputy Sheriff, Public Administrator, Constable, Marshal, policeman, or other officer of this State, or other person duly authorized, in serving or attempting to serve any legal process or order of any Court, Judge, or Justice of the Peace, or any other legal process whatever, or shall assault or beat any such officer or person duly authorized, in serving or executing, or attempting to serve or execute, any order of process, as aforesaid, or for having served or executed it, or attempted to serve or execute the same, every person so offending shall be fined in any sum not exceeding five thousand dollars, or imprisonment in the State Prison for a term not less than one nor exceeding seven years; *provided*, that any officer or person whatsoever who may or shall assault or beat any individual, under cover of his commission or authority, without lawful necessity so to do, shall, on conviction, suffer the same punishment.

Escape, voluntarily permitting.

Punishment.

2663. SEC. 65. If any Sheriff, Deputy Sheriff, or Jailor, or any person employed by them as a guard, shall fraudulently contrive, procure, aid, connive at, or otherwise voluntarily suffer the escape of any convict in his or their custody, every such person or persons, on conviction thereof, shall be punished by imprisonment in the State Prison for a term not less than one nor exceeding eleven years, and be fined in a sum not exceeding ten thousand dollars.

Officer permitting escape before conviction.

2664. SEC. 66. If any Sheriff, Public Administrator, Jailor, keeper of a prison, Constable, or other officer or person whatever, having any prisoner in his legal custody before conviction, shall voluntarily suffer or permit such person to escape or go at large, every such officer or person so offending shall, on conviction thereof, be fined in any sum not exceeding five thousand dollars and imprisonment in the State Prison not less than one nor exceeding seven years; *provided*, that if such person be in custody charged with murder, or other capital offense, then such officer or person suffering or permitting such escape shall be punished by imprisonment in the State Prison for any term not less than one nor more than eleven years. A negligent escape of a person charged with criminal offense, before conviction, from the custody of any of the aforesaid officers, shall be punished by imprisonment in the State Prison for a term of not less than one nor exceeding seven years, or shall be fined in a sum not less than one thousand nor exceeding five thousand dollars. Punishment.

2665. SEC. 67. If any Sheriff, Public Administrator, keeper of a jail, Constable, or other officer, shall willfully refuse to receive or arrest any person charged with criminal offense, such Sheriff, Public Administrator, Jailor, Constable, or other officer so offending, shall, on conviction thereof, be fined in any sum not less than one thousand nor exceeding five thousand dollars, or imprisonment in the State Prison not exceeding five years, and removed from office. Officer refusing to receive arrest. Punishment.

2666. SEC. 68. If any Justice of the Peace or Constable of the same precinct shall, directly or indirectly, purchase any judgment, or any part thereof, on the docket of such Justice, or any docket in his possession, he shall, upon conviction thereof, be fined for each and every offense so convicted of, in any sum not less than one hundred nor more than one thousand dollars. Purchasing judgment.

2667. SEC. 69. Every person holding or exercising any office under the laws or Constitution of this State, who shall, for any reward or gratuity paid, or agreed to be paid, grant to another the right or authority to discharge any of the duties of such office (except his lawful deputies), shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding five thousand dollars, and shall be removed from office; and every such person who shall so give, or make any such agreement to give, any reward or gratuity in consideration of such grant or authority, shall, upon conviction thereof, be fined in any sum not less than five hundred nor exceeding five thousand dollars. Selling office. Punishment.

2668. SEC. 70. If any Judge, Justice of the Peace, Sheriff, or other officer bound to preserve the public peace, shall have knowledge of an intention, on the part of any two persons, to fight with a deadly weapon or weapons, and such officer shall not use and exert his official authority to arrest the parties and prevent the deed, every such officer shall be fined in a sum not exceeding one thousand dollars. Officers not preventing duel.

2669. SEC. 71. The State Treasurer and Controller, the several county, city, or town corporation officers of this State, are hereby expressly prohibited from purchasing or selling, or in any manner receiving to their own use or benefit, or to the use and benefit of any person or persons whatever, any State, county, or city warrants, scrip, orders, demands, claim or claims, or other evidences of indebtedness against the State, or any county, city, or town thereof; and any such officer, for each and every offense so convicted of, shall be punished by fine not less than five hundred nor more than one thousand dollars, and shall be imprisoned in the State Prison for a term not less than two months nor more than two years; such conviction shall operate as a forfeiture of office, and the party convicted shall forever be disqualified from holding any office of honor, profit, or trust in this State. Any person giving information which Purchasing warrants and scrip. Punishment.

shall lead to the conviction of any person, under the provisions of this section, shall be entitled to receive one half of the fine adjudged against and collected from such officer.

Purchasing evidence of indebtedness.

2670. SEC. 72. The State Treasurer and Controller, all county, city, or town corporation officers, are prohibited from purchasing or being interested, or receiving, or selling, or transferring, or causing to be purchased, received, sold, or transferred, either in person, or by agent, or attorney, or by or through the agency or means of any person or persons whatever, any interest, claim, demand, or other evidence of indebtedness against the State, county, city, or town corporation thereof, either directly or indirectly; nor shall any clerk or employé of any such officer or officers, nor the commissioners employed, or to be employed, to fund any county, city, or town corporation indebtedness, be allowed to make any such purchase, sale, or transfer, or to receive any agency from other parties to purchase, sell, transfer, or bargain, in any manner, for any State, county, city, or town corporation warrants, scrip, demands, or other evidence of indebtedness, against the State, or any county, city, or town corporation thereof. Any person guilty, and convicted of a violation of any of the provisions of this section, shall be punished for each and every offense so convicted of, as provided in the foregoing section.

Punishment.

Fines to be for use of county.

2671. SEC. 73. All fines collected under the provisions of said sections shall be for the use of the county, except as above provided. (a)

(a) All fines to be paid into School Fund.—Const., Art. XI, Sec. 3.

Provisions of foregoing sections, how construed.

2672. SEC. 74. The provisions of said sections shall not be construed so as to prohibit any State officer from purchasing or selling county or city warrants, or any county or city officer from purchasing the warrants of the State, or of any other city or county, or to prevent any State, county, or city officer from selling or transferring such warrants or scrip as he may receive for his services, but none other.

Unlawful for officer to be interested in contract.

2673. SEC. 75. It shall not be lawful for any officer of State, or member of the Legislature, Alderman, or member of the Common Council of any city in this State, or for the Trustees of any city, town, or village, or for any County Commissioners of any county, to become a contractor under any contract or order for supplies, or any other kind of contract, authorized by or for the State, or any department thereof, or the Legislature, or either branch thereof, or by or for the Aldermen or Common Council, Board of Trustees, or Board of County Commissioners of which he is a member, or to be in any manner interested, directly or indirectly, as principal, in any kind of contract so authorized.

Same.

2674. SEC. 76. It shall not be lawful for any town, city, county, or State officer, or member of the Legislature, to be interested in any contract made by such officer, or Legislature of which he is a member, or be a purchaser, or be interested in any purchase of a sale made by such officer in the discharge of his official duties.

2675. SEC. 77. All contracts made in violation of the provisions of the two preceding sections (or either of them) of this Act, may be declared void, at the instance of the State, city, town, or village, or county interested, or of any other party interested in such contract, except the officers prohibited in said sections from making or being interested in such contract. **Contracts may be declared void.**

2676. SEC. 78. Any person violating the provisions of sections seventy-five and seventy-six (or either of them) of this Act, directly or indirectly, shall forfeit his office, and shall be punished by fine, not less than five hundred nor more than five thousand dollars, or by imprisonment. **When may forfeit office**

V.—*Of Official Duty.*

2677. SEC. 79. It shall be the duty of all civil and peace officers in this State to be vigilant in carrying the provisions of section forty, of the Act concerning crimes and punishments, approved November twenty-sixth, eighteen hundred and sixty-one, into full force and effect; as well also as all grand juries to inquire into and make presentments of each and every offense, under said section, which shall come under or within their knowledge. It shall be and is hereby made the duty of all Judges in this State to give said section in charge to the grand juries at each term of their respective Courts; and also to all trial juries impaneled for the trial of any of the offenses mentioned in said section. **Duties.**

2678. SEC. 80. If any person who has been sentenced to confinement in the State Prison, by any Court having competent authority within this State, shall escape therefrom, or shall be charged with murder, or the perpetration of any crime punishable with death, the Governor is authorized and required, upon satisfactory evidence of the guilt of the accused, to offer a reward for his apprehension, which reward shall not exceed the sum of five thousand dollars, and shall be paid out of the General Fund. **Reward.**

2679. SEC. 81. If any officer, in the execution of his office in a criminal case, having legal process, be resisted and assaulted, he shall be justified if he kill the assailant. If any officer or private person attempt to take a person charged with felony, and he be resisted in endeavoring to take the person accused, and to prevent the escape of the accused, by reason of such resistance, he or she be killed, the officer or private person so killing shall be justified; *provided*, that such officer or private person, previous to such killing, shall have used all reasonable efforts to take the accused without success, and that from all probability there was no prospect of being able to prevent injury from such resistance and the consequent escape of such person. **Officer justified in killing.** **Proviso.**

2680. SEC. 82. The Mayor or other officer having the direction of the police in a city, town, or village, shall order a force sufficient to keep the peace, to attend any public meeting, when he is satisfied that a breach of the peace is to be apprehended. **Mayor to order police force**

2681. SEC. 83. When a Sheriff, or other public officer authorized to execute process, shall find, or have reason to appre-

Officer may command assistance when resistance is apprehended.

hend, that resistance will be made to the execution of his process, he may command as many male inhabitants of his county as he may think proper, and any military company or companies in the county, armed and equipped, to assist him in overcoming the resistance, and, if necessary, in seizing, arresting, and confining the resisters and their aiders and abettors, to be punished according to law.

Officer to certify to Court the names of resisters.

2682. SEC. 84. The officer shall certify to the Court from which the process issued, the names of the resisters and their aiders and abettors, to the end that they be proceeded against for their contempt of Court.

Persons refusing to obey officer.

2683. SEC. 85. Every person commanded by a public officer to assist him in the execution of process, as provided in section eighty-three, who shall, without lawful cause, refuse or neglect to obey the command, shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

Governor may order military force.

2684. SEC. 86. If it appear to the Governor that the power of any county is not sufficient to enable the Sheriff to execute process delivered to him, he shall, on the application of the Sheriff, order such military force from any other county or counties as shall be necessary.

Riotous assemblage

2685. SEC. 87. When six or more persons, whether armed or not, shall be unlawfully or riotously assembled in any city or town, the Sheriff of the county and his deputies, the Mayor and Aldermen of the city, or the Constable of the town, and the Justices of the Peace, shall go among the persons so assembled, or as near as possible, and shall command them, in the name of the people of the United States and the State of Nevada, immediately to disperse.

May be arrested.

2686. SEC. 88. If the persons assembled do not immediately disperse, the magistrates and officers shall arrest them, that they may be punished according to law, and for that purpose may command the aid of all persons present or within the county.

Persons neglecting to aid magistrate.

2687. SEC. 89. If a person so commanded to aid the magistrates or officers neglect or refuse to do so, he shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

Officer refusing to use authority to suppress riot.

2688. SEC. 90. If a magistrate or officer, having notice of an unlawful or riotous assembly, as provided in section eighty-seven, neglect or refuse to proceed to the place of assembly, or as near thereto as he can with safety, and to exercise the authority with which he is invested for suppressing the same and arresting the offenders, he shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

Officer may command aid.

2689. SEC. 91. If the persons so assembled and commanded to disperse, do not immediately disperse, any magistrate or officer before mentioned may command the aid of a sufficient number of persons, and proceed in such manner as in his judgment is necessary to disperse the assembly and arrest the offenders.

Armed force to obey order of officer.

2690. SEC. 92. When an armed force is called out for the purpose of suppressing an unlawful or riotous assembly, or arresting the offenders, it shall obey such orders in relation thereto as may have been made by the Governor, or by a Judge of a Court of record, or the Sheriff of the county, or by a magistrate, or any other officer authorized by law to make such order.

2691. SEC. 93. When there is an unlawful or riotous assembly, with the intent to commit a felony, or to offer violence to person or property, or to resist, by force, the laws of the State, and the fact is made to appear to the Governor, or to a Judge of the District Court, or to the Sheriff of the county, either of those officers may issue an order, directed to the commanding officer of a division, brigade, regiment, battalion, or company, to order his command, or any part thereof (describing the kind and number of troops), to appear at a time and place therein specified, to aid the civil authorities in suppressing violence and enforcing the laws. Officers may call out troops.

2692. SEC. 94. The commanding officer to whom the order is given, shall forthwith obey the same, and the troops so required shall appear at the time and place appointed, armed and equipped with ammunition as per inspection, and shall execute any order that they shall then and there receive, according to law. Commanding officer to obey orders.

2693. SEC. 95. When the Governor shall be satisfied that the execution of civil or criminal process has been forcibly resisted in any county, by bodies of men, or that combinations to resist the execution or process by force, exist in any county, and that the power of the county has been exerted and has not been sufficient to enable the officer having the process to execute it, he may, on the application of the officer, of the District Attorney, or District Judge of the county, by proclamation, to be published in such papers as he shall direct, declare the county to be in a state of insurrection, and may order into the service of the State such number and description of volunteers, or uniformed companies, or other militia of the State, as he shall deem necessary, to serve for such term, and under the command of such officers, as he shall direct. When Governor may declare county in insurrection.

2694. SEC. 96. The Governor may, when he shall think proper, revoke the proclamation authorized by the last section, or declare that it shall cease at such time and in such manner as he shall direct. May revoke proclamation.

2695. SEC. 97. It shall, in all cases, be the duty of all officers who may be called upon to audit and allow the accounts of either State, county, city, or town officers, to take and file an affidavit of said officers that they have not violated any of the provisions of this Act, and for that purpose all officers authorized by law to audit and allow accounts, are hereby empowered and required to administer oaths or affirmations, which shall have the same force and validity in all actions for perjury, as if administered by a judicial officer. Auditing accounts. Affidavit of officer to be filed.

2696. SEC. 98. It shall be the duty of the State Treasurer, and the several County, City, or Town Corporation Treasurers of the State, to refuse to redeem any warrants, scrip, orders, or other evidence of indebtedness against the State, or any county, city, or town corporation thereof, whenever it shall come to their knowledge that such warrants, scrip, or other evidence of indebtedness have been purchased, sold, received, or transferred in violation of any of the provisions of this Act. When Treasurer may refuse to redeem warrant.

May sell indebtedness for services rendered.

2697. SEC. 99. All public officers referred to in any of the sections of this Act, shall have the right to sell or transfer any evidence of public indebtedness which may be issued according to law, for services rendered by them to the State, county, city, or town corporation, legally and justly due, and this Act shall not be deemed to prevent the purchase, sale, or transfer of any funded public indebtedness whatever of the State, or of any county, city, or town corporation.

Officer to withhold settlement or payment

2698. SEC. 100. It shall be the duty of any officer charged with the disbursement of any public moneys, or any evidence of public indebtedness, when he shall be informed by affidavit of the violation of any of the provisions of this Act, by any officer whose account is to be settled, audited, or paid by him, to withhold any settlement or payment of the same and to cause said officer to be prosecuted as for a felony, as provided in the foregoing sections of this Act.

Acts repealed.

2699. SEC. 101. The Act entitled "An Act creating offices in the Territory of Nevada," approved November twenty-ninth, eighteen hundred and sixty-one; the Act entitled "An Act to prevent certain officers from dealing in certain securities," approved December twentieth, eighteen hundred and sixty-two, and all other Acts, or parts of Acts, in conflict with this Act, are hereby repealed.

CHAPTER LXIII.

OF THE REGISTRATION OF ELECTORS.

SECTION 2700. Ex officio Registry Agents; proviso; power to administer oaths.
2701. Books, etc., to be furnished to Registry Agents; form of official register.
2702. Duty of Registry Agents; proviso.
2703. Notice of expiration of time for registration to be published; proviso.
2704. Qualification of elector; proviso; oath.
2705. Duty of Registry Agent upon challenge, etc.; applicant may apply to District Court; resident; who deemed registered.
2706. Naturalized citizen; proviso; questions.
2707. Copies of names registered to be posted and distributed; notice of time for receiving objections; objections and notice to be served; proviso; examination; proviso.
2708. Official registers to be copied; index books; check lists; copies of register and check lists to be delivered, etc.
2709. Elector moving may change registration; proviso.
2710. Registry Agents to take oath; oath.
2711. Compensation; accounts to be made out, etc.; proviso.
2712. Repealing section.

SECTION 2713. Who not entitled to vote; proviso.
2714. Punishment for certain offenses; punishment.
2715. Perjury; punishment, where penalty is not prescribed.
2716. Repeal.

An Act to provide for the registration of the names of electors, and to prevent fraud at elections.

[Approved March 5, 1869, p. 140.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Ex officio Registry Agents. Proviso. Power to administer oaths.

2700. SECTION 1. The Justices of the Peace of the several counties of this State shall be ex officio the Registry Agents of their respective townships, and, as such, their powers and duties shall be as hereinafter provided in this Act; *provided*, that in any township where, from any cause, there shall be no Justice of the Peace duly commissioned and qualified, or where an election district may be situated too distant from the office of the Justice of the Peace of said township, the Commissioners of the county in which said election district is located may appoint some other competent person to perform the duties of Registry Agent, who shall be clothed with the same power and governed by the same restrictions as Justices of the Peace in the registration of the names of electors under the provisions of this Act. All Registry Agents shall have power to administer oaths or affirmations, and do such other acts as may be necessary to fully carry out the provisions of this Act.

Books, etc., to be furnished to Regi try Agents. Form of official register.

2701. SEC. 2. The County Commissioners of the several counties shall provide for the Registry Agents, in their respective counties, when and where required, all proper and necessary books and stationery to carry out the provisions of this Act. They shall furnish to each Registry Agent a book, which shall be known as the "Official Register," which shall be ruled in columns of suitable dimensions, to provide for the following entries opposite the name of each elector, to wit: First—Number on the register. Second—Date of registry. Third—Name of elector. Fourth—Age of elector. Fifth—Where born. Sixth—Number of ward, or name of electoral district. Seventh—Description of residence. Eighth—Certificate of naturalization exhibited.

Duty of Registry Agents.

2702. SEC. 3. It shall be the duty of the Registry Agents, at any time when called on to do so, between the hours of ten A. M. and six P. M. on all legal days, from and after the first day of July, and prior to the twenty-first day of October, prior to any general election, and for twenty days prior to closing the register (which shall close ten days prior to the day of election), for any special or municipal election provided for by law, to receive and register the names of all persons legally qualified and entitled to vote at such election, or who will have legally acquired a residence (being otherwise qualified), and right to vote at such ensuing election according to the provisions of law under which such election may be held, in each election district within their respective townships; entering on

Same. the official register under the proper heading, the number and date of registry, the name (with the first or given name in full, if practicable); the age and nativity of the elector, together with the number of the ward or name of precinct, and a particular description of the house, building, or room in which the elector resides; such as will enable the officer or person desiring to serve notice of objection to vote, to find the same without difficulty; and when the person so registered shall be of foreign birth, the fact of the exhibition of or failure to exhibit his certificate of naturalization, shall be noted in the column provided for that purpose, which list, properly entered as in this section required, shall be known as the "Official Register" of elections of their respective townships; *provided*, that for ten days next preceding the day set for closing the registry before any election mentioned in this Act, said Registry Agents shall also be in attendance at their respective offices, and ready to register the names of applicants, at any time between the hours of seven and nine o'clock P. M., in addition to the hours heretofore required in this section; *and, provided further*, that if any person shall fail or refuse to give his residence, with the particularity required in this section, he shall not be registered. [As amended February 17, Stats. 1871, p. 59.]

Proviso.

Notice of expiration of time for registration to be published. 2703. SEC. 4. The Registry Agents shall cause to be published in a newspaper published in their county, or if none be so published, then in the newspaper published nearest to their county seat, for twenty days before the expiration of the time provided for registration, prior to any general election, and for ten days before the expiration of the time provided by law for registration prior to any special or municipal election, a notice to the effect that the time for the registration of the names of the qualified electors in election districts number —— of township number ——, prior to the —— election, (specifying the election), to be held on the —— day of ——, A. D. 18—, for the county of ——, (or city of) ——, will expire at six o'clock, P. M., on the —— day of ——, A. D. 18—. The publication of said notice shall continue until the expiration of the time provided for said registration; *provided*, that in remote or new and sparsely settled districts written notices posted at not less than five conspicuous places within said district, may be substituted for the publication in a newspaper.

Proviso.

Qualification of elector. 2704. SEC. 5. Every person applying to be registered shall, before he shall be entitled to have his name registered, take and subscribe the following oath or affirmation, which shall be administered by the Registering Agent; *provided*, that no elector who has taken said oath at the time of his previous registration in this State, shall be required to do so the second time, to wit:

Proviso.

Oath. I do solemnly swear (or affirm) that I am a citizen of the United States, that I am of the age of twenty-one years, and will have actually and not constructively resided in this State six months, and in the county thirty days, next preceding the day of the next ensuing election (or, in case of a municipal election, such length of time as may be required by the Act of incorporation), and that I am not registered elsewhere in this

State. So help me God (or under the pains and penalties of perjury).

Whenever an oath is required by the provisions of this Act, the elector shall swear according to the form of his religious faith or belief, and in such manner as may be considered most obligatory on his conscience. [As amended March 7, Stats. 1873, p. 173.

Duty of Registry Agent upon challenge, etc.

2705. SEC. 6. When any person shall appear and demand to be registered, whom the Registry Agent shall not know to be entitled to registry, under the qualifications required by law for the election then ensuing, the Registry Agent may question the applicant generally, either under oath or not, as to his qualifications as an elector, and, if satisfied, shall enter his name in the Registry. But if the Registry Agent shall not be fully satisfied, or if the applicant be challenged by a qualified elector of the county, stating distinctly the grounds of challenge, the Registry Agent shall require the applicant to answer truly, under oath or affirmation, the following questions, together with such other questions as said Registry Agent may consider necessary and proper, testing his qualifications as an elector for the ensuing election, to wit: First—Are you a citizen of the United States? Second—Are you now or will you be twenty-one years of age prior to the day of the next ensuing election? Third—On the day of the next ensuing election will you have actually and not constructively resided in this State six months, and in this county thirty days (or in this city —— days, or —— months, as provided by the Act of incorporation) next preceding the day of said election? Fourth—Are you now a resident of the election district in which you propose to be registered? Fifth—Are you registered for this electoral year in any other election district in the name you have now given, or in any other name? If any of the foregoing questions shall be answered in the negative, except the fifth, or that in the affirmative, the applicant shall not be registered; but if the applicant answer all the foregoing questions in the affirmative, except the fifth, and that in the negative, and the Registry Agent shall still believe from the answers to such further questions as he may be led by circumstances to ask, that the applicant is not a qualified elector, he shall refuse to register the name of said applicant. But such applicant may then apply to the District Court of his district, or the Judge thereof, for a writ of mandamus to compel the proper registration of his name in such election district; and any elector may also apply to the District Court of his district, or the Judge thereof, for a writ of mandamus to compel the Registry Agent to erase from the registered list of electors the name of any person therein registered, whom the applicant may know and be able to prove is not a qualified elector; *provided*, that said Registry Agent shall have notice and opportunity to be heard before said Court, or Judge thereof, and show cause for his refusal. A resident, within the meaning of this Act, shall be construed to mean a person who has resided or will have resided continuously within this State for six months, and in the precinct, the time prescribed by law, next preceding the

Applicant may apply to District Court.

Resident.

day of the next ensuing election. The electoral year shall commence the first day of January and end on the thirty-first day of December of each year. Whenever in the same electoral year there shall be held in any township more than one election, general, special, or municipal, any person registered for any one of such elections shall be deemed registered for all subsequent elections in the same year for which the residence qualification is included in or implied by the residence qualification of the previous election, and in all cases registration for a municipal election shall be deemed registered for any succeeding general election in the same year. The persons so deemed registered shall be subject in all cases to be excluded from the registry by reason of change of residence, or other causes, as provided elsewhere in this Act.

Who deemed registered.

Naturalized citizen

2706. SEC. 7. When a naturalized citizen shall apply for registration, his certificates of naturalization must be produced and stamped or written in ink by the Registry Agent, with his name and the year and county where presented; but if it shall satisfactorily appear to the Registry Agent, by the oath or affirmation of the applicant (and the oath or affirmation of one or more credible citizens, as to the credibility of such applicant, when deemed necessary), that such certificate of naturalization is lost or destroyed, or beyond the reach of the applicant for the time being, said Registry Agent shall register the name of said applicant, unless he be by law otherwise disqualified; *provided*, that in case of failure to produce the certificate of naturalization, the Registry Agent shall propound to him the following questions: First—In what year did you come to the United States? Second—In what State, county, Court, and year did you declare your intention to become a citizen? Third—In what State, county, Court, and year were you finally admitted to citizenship? Fourth—Where did you last see your certificate of naturalization? The answer to the above questions shall be taken down in the form of an affidavit, which shall be subscribed and sworn to by the applicant and retained in possession by the Registry Agent, and by him handed over to his successor; *provided*, that no person shall be required to make the affidavit twice before the same Agent, or the successor of such Agent, having in his possesion a former affidavit.

Proviso.

Questions.

Copies of names registered to be posted and distributed.

2707. SEC. 8. On the day next succeeding that on which the registration of electors, prior to any election mentioned in this Act, shall have been closed, the Registry Agents shall, with all reasonable expedition, prepare, and cause to be written or printed, a full and complete list of all the names registered by them, and then remaining on the official register, for each election district, alphabetically arranged, commencing always with the surname of each; and they shall have printed or written such reasonable number of copies of each district list as in their judgment may be necessary, at least five copies of which they shall cause to be posted up in as many public and conspicuous places within the district to which they apply, and the remainder of such lists shall be distributed among the electors of the respective districts. The Registry Agents shall give notice in said lists that they will receive objections to the right to vote, on the part of any person so registered, until six

Notice of time for receiving objections.

o'clock P. M. on the fourth day previous to the day of election; and also requesting all persons whose names may be erroneously entered in said lists to appear at his office and have such error corrected. Such objections to the right to vote shall be made only by a qualified elector in writing, setting forth the ground of objection or disqualification, and sworn to or affirmed to, to the best of his knowledge and belief. A copy of such written objections, with the name of the objector, together with a copy of notice, requiring the person objected to to appear before the Registry Agent, at a time certain and specified therein, and answer under oath such questions as may be propounded to him by the Registry Agent touching his qualifications as an elector, shall be served on the person objected to, and such service shall be good when left at the place of residence of such person objected to, as the same shall appear in the official register, however general or indefinite may be the description of the same in said register; *provided*, that personal service shall be required when the objections are filed with the Registry Agent on the last day on which such objections are allowed; but such objections so filed on the last day may be heard and determined on the succeeding day. And no such objections shall be tried unless it shall appear by the return of an officer, or the sworn statement of an elector within the county, appended to such notice, that such objections and notice were by him duly served by copy, as in this section of this Act required. At the time specified in the notice, or at such further time as the hearing may be adjourned to, the Registry Agent, upon being satisfied from the return or affidavit that proper service of notice has been had, as in this section provided, shall proceed to examine such person (if present), under oath, touching all matters specified in such written objections, and respecting his general qualifications as an elector, and the testimony of the person making the objections, and any further evidence offered (which the Registry Agent before whom objections are made may desire to hear in relation thereto). If the Registry Agent shall be satisfied, from the answers under oath of the person objected to, or other evidence, that he is not a qualified elector, as required by law, for the next ensuing election; or if such person, so notified as hereinbefore provided and required, shall fail to appear at the time set, or shall fail to show cause for his non-appearance, it shall be the duty of the Registry Agent to erase his name from the official register; *provided*, that any person, whose name may have been so erased, may apply to the District Court, or the Judge thereof, as is provided in section six of this Act.

Objections and notice to be served

Proviso.

Examination.

Proviso.

2708. Sec. 9. During the time intervening between the closing of any registration of electors and the day of the next ensuing election, the Registry Agents shall carefully copy from the official register, into suitable books, one for each election district within their respective townships, the names of all electors registered for such election district, alphabetically arranged (the surname first), entering opposite each name the number it bears on the official register, together with all other entries therein found opposite such name. The Registry Agents shall also prepare, not later than the day next preceding that on

Official registers to be copied.

Index books. which the election is to be held, in "index books," one for each election district, and which shall be known as the "check lists," lists of the names of all electors found on the official register for such election districts, alphabetically arranged (the surname first), with the number such name bears in the official register placed at the left of the name of the elector, and with a blank column at the right of the column of names, formed by two parallel perpendicular lines, in which the Inspectors of Election shall check the names of those voting, by some particular character, as for instance, thus: "V," for voted. Said blank columns last mentioned shall have written "headings" made by the Registry Agents, showing what particular election the said Check lists. "check lists" apply to, as for instance, "Voted at general election, 1868," or "Voted at city election, 1869." The copy of the Copies of register and check lists to be delivered, etc. official register, together with the "check list," for election district, as herein provided, shall be carefully prepared and duly certified to by the Registry Agent, and delivered to some one of the Inspectors of Election in each election district, at a time not later than the day next preceding that on which such election is to be held, and such "check lists" shall be carefully preserved and transmitted by the Inspectors of Election to the Clerk of the Board of County Commissioners, in connection with and as a part of the "election returns," as provided by law.

Elector moving may change registration. 2709. SEC. 10. Any registered elector, moving from one election district to another, prior to the day of the ensuing election, may apply to the Registry Agent before whom he has already been registered for that electoral year, at any time prior to the delivery of the certified copies of Register to the Inspectors of Election, and have his name taken off the official Register, and receive from the Registry Agent a certificate showing substantially that he was on a certain date duly registered in the official Register of Township No. ——, in the County of ——, and that his name has been erased at his own request; which certificate shall entitle him to have his name registered in the same manner as other names are registered, in any other election district, either within the same county or in any other Proviso. county, for said election; *provided*, that it shall satisfactorily appear to the Registry Agent receiving the certificate, and to whom application is made for the second registration, that the applicant will have resided such length of time within such county and election district, prior to the next ensuing election, as is or may be provided by law to entitle him to vote.

Registry Agents to take oath. 2710. SEC. 11. Before entering upon the duties prescribed in this Act, the Registry Agents shall severally take and subscribe before any officer duly authorized to administer oaths, the following oath or affirmation, which shall be filed in the office of the County Clerk of their respective counties, to wit:

Oath. "I ——, Registry Agent for Election Districts Numbers ——, and ——, in the County of —— and State of Nevada, do solemnly swear (or affirm) that I will perform all the duties of Registry Agent in and for said election districts according to law and the best of my ability, and that in the discharge of my duties as such Registry Agent, I will honestly endeavor to prevent fraud, deceit, or any other manner of abuse of the elective franchise. So help me God ("or under the pain and penalties of perjury").

2711. SEC. 12. The several Registry Agents shall be entitled to receive, as full compensation for all services rendered by them under the provisions of this Act (except for the collection of poll taxes), the sum of twenty-five cents for each name by them legally registered in each electoral year, which shall be a valid claim against their respective counties; and their accounts shall be made out so as to clearly show the number of names by them severally registered during that electoral year, and sworn to and filed with the Board of County Commissioners of their respective counties; and said claims, together with all other just and reasonable demands of other persons for books, advertising, and printing, necessarily incurred in carrying out the requirements of this Act, shall be audited and paid out of the county funds of the several counties as other county charges; *provided*, that the expenses incurred in publishing the notices and printing the lists of electors prior to any municipal election, shall be a charge against, and shall be paid by the corporate authorities of the municipality holding such election. **Compensation.** **Accounts to be made out, etc.** **Proviso.**

2712 SEC. 13. Section thirteen of the Act entitled "An Act to provide for the registration of the names of electors and to prevent fraud at elections," approved March fifth, eighteen hundred and sixty-nine, is hereby repealed.—[Act of March 4, Stats. 1871, p. 132.] **Repealing section.**

2713. SEC. 14. No person shall be entitled to vote at any election mentioned in this Act, unless his name shall, on the day of election, appear in the "check list" furnished by the Registry Agents to the Inspector of Election of the election district at which he offers to vote; and the fact that his name so appears in the "check list" and in the copy of the official Register in the possession of the Inspectors of Election, shall be prima facie evidence of his right to vote; *provided*, that when the Inspectors of Election shall have good reason to believe, or when they shall be informed by a qualified elector, that the person offering to vote is not the person who was registered in that name, the vote of such person shall not be received until he shall have proved his identity as the person who was registered in that name. **Who not entitled to vote.** **Proviso.**

2714. SEC. 15. Any person who shall vote, or offer to vote, at any election mentioned in this Act, but who shall not be a qualified elector, or any person who, being a qualified elector, shall vote or offer to vote in the name of any other registered elector, shall be deemed guilty of a felony, and, on conviction thereof before any Court of competent jurisdiction, shall be punished by imprisonment in the State Prison for not less than one nor more than three years; and any person who shall willfully cause, or endeavor to cause, his name to be registered in any other election district than that in which he resides or will reside prior to the day of the next ensuing election; and any person who shall cause or endeavor to cause his name to be registered, knowing that he is not a qualified elector, or will not be a qualified elector on or before the day of the next ensuing election, in the election district in which he causes or endeavors to cause such registry to be made; and any other person who shall **Punishment for certain offenses.**

Punishment. induce, aid, or abet any such person in the commission of either of such acts in this section enumerated and described, shall be deemed guilty of a misdemeanor, and, on conviction thereof before any Court of competent jurisdiction, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by confinement in the County Jail for not less than one month nor more than six months, or by both such fine and imprisonment, in the discretion of the Court.

Perjury. 2715. SEC. 16. All willful, corrupt, and false swearing or affirming before any Registry Agent shall be deemed perjury, and, on conviction, shall be punished as such. If any Registry Agent, or any other person in any manner concerned, shall willfully and corruptly violate any of the provisions of this Act, the penalty for which is not herein specifically prescribed, he shall be punished for each and every offense whereof he shall be duly convicted, by imprisonment in the State Prison for a term not less than one year nor more than five years, or by fine of not less than one hundred nor more than one thousand dollars, or both such fine and imprisonment, in the discretion of the Court. Punishment, where penalty is not prescribed.

Repeal. 2716. SEC. 17. The Act entitled "An Act to provide for the registration of the names of electors, and for the ascertainment by proper proofs of the persons who shall be entitled to the right of suffrage," approved February twenty-fourth, eighteen hundred and sixty-six, is hereby repealed (Stats. 1866, p. 81).

CHAPTER LXIV.

OF SENATORS AND ASSEMBLYMEN — APPORTIONMENT AND ALLOTMENT.

SECTION 2717. Apportionment.
2718. Allotment.
2719. Terms of Senators of first and second class.

An Act for the apportionment of Senators and Assemblymen in the different counties of this State.

[Approved February 27, 1866, p. 139.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Apportionment. 2717. SECTION 1. The apportionment of Senators and Assemblymen, in the different counties of this State, shall be as follows: Storey County, four Senators and twelve Assemblymen; Douglas County, one Senator and two Assemblymen; Esmeralda County, two Senators and four Assemblymen; Humboldt County, two Senators and three Assemblymen; Lander

County, two Senators and four Assemblymen; Lyon County, two Senators and three Assemblymen; Churchill County, one Senator and two Assemblymen; Nye County, one Senator and two Assemblymen; Ormsby County, two Senators and three Assemblymen; Washoe and Roop Counties, two Senators and three Assemblymen. ([a])

(a) Lander County, one Senator and two Assemblymen; Eureka County, one Senator and two Assemblymen; see Stats. 1873, p. 107 (Sec. 4082). White Pine County, two Senators and five Assemblymen; see Stats. 1869, p. 108 (Sec. 4074). Elko County, two Senators and two Assemblymen; see Stats. 1873, p. 50 (Sec. 4076).

An Act to provide for the allotment of Senators of the State of Nevada.

[Approved March 7, 1873, p. 190.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2718. SECTION 1. The Senate shall, in the case of any county in this State which shall, by law, be entitled to two Senators, where such county shall have been created and organized since the adoption of the Constitution of the State of Nevada, at such time as the Senate shall, by resolution, direct, proceed to divide the Senators by lot into two classes; *provided*, that this Act shall not apply to any county, the representation of which, in the Senate, shall have been, by an Act of the Legislature, divided into terms of two and four years. Allotment.

2719. SEC. 2. Such allotment shall be as follows: Two tickets, not distinguishable from each other, by reason of any difference in size, form, or color, shall be prepared and placed in a box, upon one of which tickets shall be written the words "First class," and upon the other the words "Second class." The roll of Senators from such counties shall be called in alphabetical order; and the President of the Senate shall appoint a Page, to be blindfolded, who shall draw from a box, to be prepared for that purpose, one of the tickets, as each member's name is called; and the words upon the ticket so drawn shall designate the class to which each Senator shall belong. The seats of the Senators of the first class shall be vacated on the day succeeding the general election, four years after such Senator shall have been elected; and the seats of the Senators of the second class shall be vacated on the day succeeding the general election, two years after such Senator shall have been elected. Terms of Senators of first and second class.

CHAPTER LXV.

OF THE COMPENSATION OF MEMBERS OF THE LEGISLATURE AND STATE OFFICERS.

SECTION 2720. Compensation of members of the Legislature.
2721. Compensation of State officers.
2722. Controller required to draw warrants.
2723. Salary of Governor and Lieutenant Governor.

An Act in relation to the compensation of members of the Legislature and State officers.

[Approved January 16, 1865, p. 97.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Compensation of members of the Legislature.

2720. SECTION 1. Members of the Legislature shall receive a compensation of eight dollars (excepting the President of the Senate and the Speaker of the Assembly, who shall receive two dollars additional,) for each and every day of actual attendance during the session, payable weekly, and forty cents per mile, for mileage, going to and returning from the place of meeting; also, a sum not exceeding sixty dollars for each member, for the payment of the expenses incurred by such member for postage, express charges, newspapers, and stationery.

Compensation of State officers.

2721. SEC. 2. The Governor of the State shall receive an annual compensation of four thousand dollars; the Secretary of State, Treasurer, and Controller, an annual compensation of three thousand six hundred dollars each; the Attorney General, an annual compensation of two thousand five hundred dollars; the Superintendent of Public Instruction, an annual compensation of two thousand dollars; the Surveyor General, an annual compensation of one thousand dollars; and the Justices of the Supreme Court, an annual compensation of seven thousand dollars each. The compensation of the respective State officers, as provided herein, shall be payable quarterly.

Controller required to draw warrants.

2722. SEC. 3. The Controller is hereby authorized and required to draw his warrants upon the State Treasurer, in favor of the members of the Senate and Assembly, upon presentation of certificates of compensation due, signed by the Sergeants-at-Arms and the presiding officers of the two houses respectively, for the amounts named therein. He shall, on the first judicial day of the months of January, April, July, and October, draw his warrants in favor of the several State officers for the quarterly compensation due them by virtue of the provisions of section two of this Act.

An Act in relation to the salary of Governor, and Lieutenant Governor as ex officio Warden of the State Prison.

[Approved March 3, 1866, p. 205.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2723. SECTION 1. The salary of the Governor of the State of Nevada, from and after the first day of January, A. D., eighteen hundred and sixty-seven, shall be six thousand dollars per annum, payable quarterly. The salary of the Lieutenant Governor shall be three thousand dollars, payable monthly, as compensation as Warden of the State Prison. **Salary of Governor and Lieutenant Governor.**

NOTE.—Stats. 1873, p. 197.

An Act to define the duties of the Lieutenant Governor, and to fix his compensation therefor.

[Approved March 12, 1873.]

[Enacting clause.]

SECTION 1. The Lieutenant Governor shall be ex officio Adjutant General and State Librarian, and he shall perform all duties required by law in connection with the offices of Adjutant General and State Librarian. His compensation for such service shall be thirty-six hundred dollars per annum, payable quarterly in the same manner as is provided for the payment of the salaries of other State officers.

SEC. 2. Section six of an Act entitled "An Act to provide for the government of the State Prison of the State of Nevada," approved March fourth, eighteen hundred and sixty-five, is hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after the first day of January, A. D., eighteen hundred and seventy-five.

CHAPTER LXVI.

OF OFFICERS AND EMPLOYES OF THE SENATE AND ASSEMBLY.

SECTION 2724. Officers and employés of the Senate.
2725. Officers and employés of the Assembly.
2726. Salaries of; additional compensation for copying.

SECTION 2727. Secretary of Senate, duties of; Clerk of Assembly; Assistant; Minute Clerk; Journal Clerk; Copying Clerk; Sergeant-at-Arms; Assistant; Chief Clerk of Committees.
2728. Duties of Secretaries and Clerks at close of session; Controller to draw warrant.
2729. Election of officers and employés; Chaplains, compensation of.
2730. Removals.
2731. No additional officers.
2732. Per diem, when commences.
2733. Terms of present officers not affected.
2734. Act repealed.

An Act fixing the number of officers and employés of the Senate and Assembly, to define their duties, and to establish their pay.

[Approved March 7, 1873, p. 153.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Officers and employés of the Senate.

2724. SECTION 1. The officers and employés of the Senate shall consist of one Secretary, one Assistant Secretary, one Sergeant-at-Arms, one Assistant Sergeant-at-Arms, one Minute Clerk, one Journal Clerk, one Enrolling Clerk, one Engrossing Clerk, two Copying Clerks, one Chief Clerk of Committees, three Committee Clerks, one Porter, one Messenger, and two Pages.

Officers and employés of the Assembly.

2725. SEC. 2. The officers and employés of the Assembly shall consist of one Chief Clerk, one Assistant Clerk, one Sergeant-at-Arms, one Assistant Sergeant-at-Arms, one Minute Clerk, one Journal Clerk, one Enrolling Clerk, one Engrossing Clerk, one Chief Clerk of Committees, four Committee Clerks, two Copying Clerks, one Porter, one Messenger, and two Pages.

Salaries of.

Additional compensation for copying.

2726. SEC. 3. There shall be paid to the several officers and employés named in this Act, for all services rendered by them under the provisions of this Act, the following sums and no more: The Secretary of the Senate, and Assistant Secretary of the Senate, the Chief Clerk of the Assembly, and Assistant Clerk of the Assembly, shall receive ten (10) dollars per day; all other clerks of the two Houses, with the exception of Chief Clerks of Committees, and Committee Clerks, who shall receive six (6) dollars per day, shall each receive nine (9) dollars per day; to the Sergeant-at-Arms of the Senate, and to the Sergeant-at-Arms of the Assembly, each ten (10) dollars per day; to the Assistant Sergeant-at-Arms of the Senate, and of the Assembly, each eight (8) dollars per day; to the Porters of the Senate and Assembly, each five (5) dollars per day; to the Messengers, each four (4) dollars per day; and to the Pages, each three (3) dollars per day; and all additional copying required in the enrolling and engrossing departments of the two Houses, shall be under the supervision of the Chairman of the Enrolling and Engrossing Committees respectively, and shall be compensated at the rate of fifteen (15) cents per folio, for engrossing, and twenty-five (25) cents per folio for enrolling.

Secretary of Senate, duties of.
Clerk of Assembly.
Assistant.
Minute Clerk.
Journal Clerk.
Copying Clerk.
Sergeant-at-Arms.

2727. SEC. 4. It shall be the duty of the Secretary of the Senate to attend each day, call the roll, read the Journal and bills; to take charge of and superintend the copying of the Journals, and all other copying necessary to be done for the Senate. It shall be the duty of the Chief Clerk of the Assembly to attend each day, to call the roll, read the Journal and bills, and to take charge of and superintend the copying of the Journals, and all other copying necessary to be done for the Assembly. It shall be the duty of the Assistant Secretary of the Senate, and the Assistant Clerk of the Assembly, to take charge of all bills, petitions, and other papers presented to their respective Houses, to file and enter the same in the books provided for that purpose, and perform such other duties as may be directed by the Secretary of the Senate and Chief Clerk of the Assembly. It shall be the duty of the Minute Clerk of the Senate, and the Minute Clerk of the Assembly, to keep a correct record of the proceedings of each day, for the purpose of having such proceedings recorded in the Journals, by the Journal Clerks of their respective Houses. It shall be the duty of the Journal Clerk of the Senate to record each day's proceedings in the Journal, from which they shall be read by the Secretary each day of meeting, in order that they may be authenticated by the signature of the President. It shall be the duty of the Journal Clerk of the Assembly to perform all similar duties for the Assembly which are required to be performed by the Journal Clerk of the Senate. It shall be the duty of the Copying Clerks of the Senate to copy into the Appendix the annual reports of the State officers, and other lengthy documents, and to perform all such copying for the printer as shall be ordered by the Senate. It shall be the duty of the Copying Clerks of the Assembly to copy into the Appendix all lengthy documents, and to perform all such copying for the printer as shall be ordered by the Assembly; but the annual reports of the State officers shall not be copied into the Assembly Journal or Appendix, but the journal of the proceedings of Joint Conventions of the Senate and Assembly shall be copied only in the Journal of the Assembly. It shall be the duty of the Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the Assembly, to give a general supervision, under the direction of the presiding officers, to the Senate and Assembly chambers, with the rooms attached; to attend during the sittings of their respective bodies, execute their commands, together with all such process, issued by authority thereof, as shall be directed to them by their presiding officers; to keep an accurate account for paying mileage of members, and prepare checks for the same. They shall receive no other compensation for their services beyond their per diem, except actual expenses incurred in arrests made by them, and for traveling expenses for themselves or special messenger, which expenses, so incurred, shall be paid from the Contingent Fund of their respective Houses; *provided*, that no messenger shall be employed by any officer of either House, unless expressly authorized so to do by the House of which he is an officer. It shall be the duty of the Assistant Sergeant-at-Arms

Assistant. Chief Clerk of Committees.

of each House to perform the duties of doorkeeper, prohibit all persons except members of the Legislature and State officers, employés, and ladies, and such reporters as may have seats assigned them by the rules of each House, from entering within the bar of the House of which he is doorkeeper, unless upon invitation; and to arrest for contempt all persons outside of the bar or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of their respective Houses. It shall be the duty of the Chief Clerk of Committees to have a general supervision over the committee clerks of their respective Houses, detailing them for duty when called upon so to do by the Chairman of any committee requiring the services of a clerk; and the Chief Clerk of Committees of each House shall at all times hold himself in readiness to perform the duties of committee clerk for any committee requiring his services.

Duties of Secretaries and Clerks at close of session. Controller to draw warrant.

2728. SEC. 5. It shall be the duty of the Secretary and Assistant Secretary of the Senate, and Chief Clerk and Assistant Clerk of the Assembly, at the close of each session of the Legislature, to mark, label, and arrange all bills and papers belonging to the archives of their respective Houses, and to deliver the same, together with all books of both Houses, to the Secretary of State, who shall certify to the reception of the same; and upon the production of said certificate to the Controller of State, the Controller is authorized and directed to draw his warrant upon the Treasurer, in favor of the above named parties, for the sum of twenty-five dollars each, and the Treasurer is authorized to pay the same out of any money in the General Fund not otherwise appropriated.

Election of officers and employés. Chaplains, compensation of.

2729. SEC. 6. All officers and employés of the Senate and Assembly, provided for in this Act, shall be elected by the Senate and Assembly respectively. The Senate and Assembly may invite ministers of the different denominations to officiate alternately as Chaplains of their respective Houses, at a compensation for such services, when rendered, of five (5) dollars per day.

Removals.

2730. SEC. 7. Any of the officers and employés mentioned in this Act may be removed by a two-thirds vote of the members of the House in which they are connected, for failure to perform the duties imposed upon them by this Act, or for incompetency, or for conduct which shall by each House be deemed improper.

No additional officers.

2731. SEC. 8. No additional number of officers or employés of the Senate or Assembly shall be elected or appointed.

Per diem, when commences.

2732. SEC. 9. The per diem of all officers fixed by this Act shall date from the day on which they shall have been elected and qualified.

Terms of present officers not affected.

2733. SEC. 10. Nothing in this Act shall be construed so as to affect the tenure of office of any attaché of this Legislature herein named, and appointed prior to the passage of this Act.

Act repealed.

2734. SEC. 11. An Act entitled "An Act in relation to enrolling laws, resolutions, and other documents," approved March thirteenth, eighteen hundred and sixty-seven, is hereby repealed.

CHAPTER LXVII.

OF THE FEES OF OFFICERS.

SECTION 2735. Fees and compensation of officers.

CLERK OF THE SUPREME COURT.

2736. Fees of Clerk of Supreme Court.

COUNTY CLERKS.

2737. Fees of County Clerks.

RECORDERS.

2738. Fees of County Recorders.

SHERIFFS.

2739. Fees of Sheriffs.

CORONERS.

2740. Fees of Coroners.

CONSTABLES.

2741. Fees of Constables.

WITNESSES.

2742. Fees of witnesses.

JURORS.

2743. Fees of jurors.

COUNTY AUDITORS.

2744. Fees of County Auditors.

JUDGES AND CLERKS OF ELECTION.

2745. Fees of.

JUSTICES OF THE PEACE.

2746. Fees of.

INTERPRETERS AND TRANSLATORS.

2747. Fees of.

SURVEYORS.

2748. Fees of.

NOTARIES PUBLIC.

2749. Fees of.
2750. No other fees to be charged.
2751. Fee book.
2752. Statement of fees to be made.
2753. Act to be given in charge to grand jury.
2754. Penalty for violation of certain sections.
2755. Liable to indictment.
2756. Table of fees to be posted.
2757. Costs of publication.
2758. Officer may have execution.

MISCELLANEOUS PROVISIONS.

2759. Folio defined.
2760. Mileage.
2761. Attorney as witness, no fees.
2762. Oath of office.
2763. Mileage, how computed.

COMMISSIONERS OF DEEDS.

SECTION 2764. Fees of.
2765. Pains and penalties.

An Act to regulate fees and compensation for official and other services in the State of Nevada.

[Approved March 9, 1865, p. 333.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Fees and compensation of officers.

2735. SECTION 1. The several officers and persons named in this Act may demand and receive for their services rendered in discharging the duties imposed upon them by law, the fees and compensation hereinafter specified:

CLERK OF THE SUPREME COURT.

Fees of Clerk of Supreme Court.

2736. SEC. 2. The fees of the Clerk of the Supreme Court shall be as follows:

For entering any motion, rule, or order, two dollars;

For filing each transcript of a record from an inferior Court, four dollars;

For entering judgment, for the first folio, two dollars; for each subsequent folio, one dollar;

For each certificate given at request, and under seal, two dollars;

For copy of recorded opinion of Court, or other papers, for each folio, thirty cents;

For entering each cause on calendar, and making copy for the bar, one dollar;

For every remittitur or mandate, for each folio, thirty cents;

For searching records or files in his office, one dollar for each term's proceedings; but no charge shall be made to suitors or their attorneys;

For filing each paper, fifty cents;

For certificate of admission as attorney or counselor, and sealing the same, ten dollars;

For administering each oath or affirmation, fifty cents;

For taking and writing any acknowledgment, one dollar (including seal), for the first signature, and fifty cents for each additional signature;

For recording opinions of the Court, thirty cents per folio;

For issuing any process of Court, including seal, two dollars;

For each certificate of declaration to become a citizen of the United States, and for making a record thereof, five dollars;

For each certificate of citizenship, taking proofs in regard thereto, and making a record thereof, ten dollars.

COUNTY CLERKS.

2737. SEC. 3. The County Clerks of the several counties in this State shall be entitled to fees as follows:

For entering each suit on the Clerk's register of actions, and making the necessary entry therein during the trial, one dollar; Fees of County Clerks.

For filing each paper, twenty-five cents;

For issuing summons, one dollar;

For entering every appearance, seventy-five cents;

For entering return of every writ or process, seventy-five cents;

For issuing subpœna, for each witness, fifty cents;

For entering each cause on the calendar, and making a copy thereof for each term of the District Court, one dollar;

For entering every motion, exception, rule, order, or default, fifty cents;

For entering every discontinuance, dismissal, or nonsuit, fifty cents;

For calling or swearing every jury, one dollar;

For administering every oath or affirmation, twenty-five cents;

For receiving and entering each verdict of a jury, seventy-five cents;

For entering every final judgment, for the first folio, one dollar, and for each subsequent folio, thirty cents;

For filing judgment roll, fifty cents;

For docketing judgment against each judgment debtor, fifty cents;

For issuing execution, one dollar;

For entering satisfaction of judgment, for each debtor, fifty cents;

For entering every notice of appeal, fifty cents;

For copying any proceeding, record, or paper, for each folio, thirty cents;

For receiving and entering every remittitur from the Supreme Court, and accompanying papers, fifty cents;

For every certificate, one dollar;

For issuing every commission to take testimony, one dollar;

For issuing every process under seal, other than subpœna, one dollar;

For every certificate under seal, one dollar;

For issuing letters testamentary, or of administration, one dollar;

For writing and posting notices, when required, for each copy, fifty cents;

For recording all instruments, for each folio, thirty cents;

For searching the files of each year in his office (but not to charge suitors or attorneys), fifty cents;

For taking each bond and justification thereof required by law, one dollar; for taking justification to bond, for each name, fifty cents;

For taking acknowledgments of deeds or other instruments, including certificate and seal, for the first name, one dollar, and for each subsequent name, twenty-five cents;

For issuing every decree or order of sale of mortgaged property, or writ of injunction, for the first folio, one dollar, and for each subsequent folio, thirty cents;

For entering each suit in the plaintiff's and defendant's index, one dollar;

For registering each paper when required by law, fifty cents;

For making out naturalization papers, including all necessary oaths, affirmations, and certificates, for the first papers, five dollars;

For making out naturalization papers, including all necessary oaths, affirmations, and certificates, for the final papers, ten dollars.

For each day's attendance on the Board of County Commissioners, five dollars; *provided*, the same shall in no case exceed one hundred dollars per annum in the aggregate.

RECORDERS.

Fees of County Recorders.

2738. SEC. 4. The following fees to the several County Recorders are hereby established:

For receiving, filing, and entering documents required to be recorded, twenty-five cents;

For filing and entering any paper not to be recorded, fifty cents;

For making all necessary indexes to each paper filed or recorded, for each name to be indexed, fifty cents;

For recording any instrument, paper, or document, for each folio, thirty cents;

For every certificate under seal, one dollar;

For every entry of discharge of mortgage on the margin of records, fifty cents;

For abstract of title for each document embraced thereby, one dollar;

For searching records and files, for each document necessarily examined, fifty cents;

For recording any survey or map other than town plat, for each course, fifty cents;

For recording town plat, for each lot or separate subdivision exhibited thereby, twenty-five cents;

For each folio of lettering or figuring thereon, or in the certificate and description of the same, one dollar;

For recording certificates of marriage, death, divorce, or birth, one dollar;

For copy of any record or document in his office, the same fees as for recording;

For taking acknowledgment, including certificate and seal, for first signature, one dollar; for each additional signature, twenty-five cents;

For recording or copying any paper in a foreign language, double the fees as when in English;

No map or plat shall be recorded exceeding in size two folios of the usual sized records;

For preparing the abstract of unsatisfied mortgages required for the Board of Equalization, for each, twenty-five cents.

SHERIFFS.

2739. SEC. 5. The fees allowed to Sheriffs in the counties of this State shall be as follows: (1)

For serving a summons or complaint, or any other process

Fees of Sheriffs.

by which an action or proceeding is commenced, on every defendant, two dollars;

For traveling in making such service, per mile, in going only, to be computed in all cases from the Court House of the county, seventy-five cents; *provided*, that if any two or more papers are required to be served in the same suit, at the same time where parties live in the same direction, one mileage only shall be charged;

For taking bond or undertaking in any case in which he is authorized to take the same, one dollar and fifty cents;

For copy of any writ, process, or other paper, when demanded or required by law, for each folio, thirty cents;

For serving every notice, rule, or order, one dollar;

For serving a subpœna, for each witness summoned, fifty cents;

For traveling per mile in serving such subpœna or venire, in going only, seventy-five cents, but when two or more witnesses or jurors live in the same direction, traveling fees shall be charged only for the most distant;

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, three dollars, together with traveling fees as in cases of summons;

For serving an attachment on any ship, boat, or vessel, in proceedings to enforce any lien thereon, created by law, five dollars;

For making and posting notices and advertising for sale on execution, or under any judgment or order of sale, not to include the cost of publication in a newspaper, two dollars;

For commissions for receiving and paying over money on execution or process, where lands or personal property has been levied on, advertised, and sold, on the first five hundred dollars, four per cent; not exceeding one thousand dollars but over five hundred dollars, two per cent; on all over one thousand and not exceeding fifteen hundred dollars, and on all sums above that amount, one per cent.

For commissions for receiving and paying over money on execution without levy, or when the lands or goods levied on shall not be sold, on the first thousand dollars, one per cent; on all over that sum, one half per cent;

The fees herein allowed for the levy of an execution, for advertising, and for making and collecting money on an execution, shall be collected from the defendants, by virtue of such execution, in the same manner as the same may be therein directed to be made;

For drawing and executing every Sheriff's deed, to be paid by the grantee, who shall in addition pay for the acknowledgment thereof, five dollars;

For serving a writ of possession or restitution, putting any person into possession entitled thereto, five dollars;

For travel in the service of any process not hereinbefore mentioned, for each mile necessarily traveled, for going only, seventy-five cents;

Same. For attending, when required, on any Court, in person or by deputy, for each day, to be paid out of the County Treasury, five dollars;

For bringing up a prisoner, on habeas corpus, to testify or answer in any Court, or for examination as to the cause of his arrest and detention, or to give bail, two dollars; he shall, also, be allowed such further compensation for his trouble and expense in taking possession of property under attachment or execution, or other process, and of preserving the same, as the Court from which the writ or order may issue shall certify to be just and reasonable;

For holding each inquest or trial of right of property, when required, to include all services in the matter except mileage, ten dollars;

For attending on the Supreme Court, either in person or by deputy, to be paid out of the State Treasury, as other claims, for each day, eight dollars;

For every arrest in a criminal proceeding, three dollars;

For serving each subpœna in criminal cases, fifty cents;

For executing every sentence of death, fifty dollars;

For summoning a grand jury of twenty-four persons, fifteen dollars;

For summoning each trial jury of twelve persons, six dollars; for each additional juror, fifty cents.

For service of any process in a criminal case, the same mileage as in civil cases, and the same mileage for taking prisoners before a magistrate or to the State Prison;

In serving subpœnas or venire in criminal cases, he shall receive mileage for the most distant only, when witnesses and jurors live in the same direction;

For all services in Justices Courts, the same fees as are allowed to Constables.

(1) The Sheriff being directed to follow the direction of the revenue law, could only charge for one copy of summons for John Doe, and one for each lot served.—Feusier v. Mayor and Council of Virginia City, 3 Nev., p. 58.

Mileage should only be charged for the necessary distance traveled to reach each lot, supposing the officer to start from the Court House—travel to first lot, then to second, and so on to the end of the day.—Id.

The law only requires three notices of sale to be posted, and no more could be charged for.—Id.

CORONERS.

Fees of Coroners. 2740. SEC. 6. The fees of Coroners shall be as follows:

For all services in summoning a jury of inquest, five dollars;

For swearing a jury, one dollar;

For issuing warrant of arrest, one dollar;

For issuing subpœnas, for each witness, twenty-five cents;

For each mile necessarily traveled in going to the presence of the dead body, seventy-five cents.

For swearing each witness, twenty-five cents;

For taking down testimony, per folio, thirty cents.

All of the said fees shall be paid out of the County Treasury, as other demands. For all services by him while acting as Sheriff, the same fees as are allowed to Sheriffs for similar services. (a)

(a) The Coroner shall, before his claim is allowed, file with such claim an affidavit, setting out the amount of money or property found with the deceased, and the disposition made of the same by him. See Section 3048, post.

CONSTABLES.

2741. SEC. 7. The following fees shall be allowed to Constables: Fees of Constables.

For serving summons, or other process by which suit is commenced in civil cases, one dollar;

For summoning a jury before a Justice of the Peace, two dollars;

For taking a bond or undertaking, one dollar;

For serving an attachment against the property of a defendant, two dollars;

For serving subpœnas, for each witness, twenty-five cents;

For summoning and swearing a jury to try the rights of property, and taking the verdict, two dollars;

For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct, and the expenses necessarily incurred;

For a copy of any writ, process, or other paper, when demanded or required by law, per folio, thirty cents;

For drawing and executing every Constable's deed, to be paid by the grantee, who shall also pay the acknowledgment thereof, five dollars;

For each certificate of sale of real estate, under execution, one dollar;

For collecting all sums on execution, to be charged against the defendant in execution, two per cent;

In levying an execution, or executing an order of arrest in civil cases, or order for the delivery of personal property, with traveling fees, as for summons, two dollars;

For making and posting notices, and advertising property for sale on execution, not to include the cost of publication in a newspaper, two dollars;

For mileage in serving summons, attachment, execution, order, venire, subpœna, or other process in civil cases, for each mile necessarily traveled, in going only, seventy-five cents; *provided*, that when two or more persons are served in the same suit, mileage shall only be charged for the most distant, if they live in the same direction;

For service and travel in criminal cases, the same fees as are allowed Sheriffs for like services;

For all other services, except for attending Court, the same fees as are allowed to Sheriffs for similar services.

WITNESSES.

Fees of witnesses.

2742. SEC. 8. Witnesses required to attend in any of the Courts of this State shall be entitled to the following fees:

For attending in any civil suit or proceeding, before any Court of record, referee, Commissioner, or Justice of the Peace, for each day, three dollars;

For traveling to the place of trial, fifty cents per mile; *provided*, that no person shall be obliged to testify in a civil action unless his fees and mileage have been tendered him, or he shall not have demanded the same; *and provided*, *further*, that no person shall be obliged to testify in a civil action unless his fees have been tendered him, if he shall demand the same, for mileage and one day's attendance;

For each subsequent day's attendance the witness is entitled to demand, in advance, his fees from the party in whose favor he has been subpœnaed, and, in case of refusal, is exonerated from further attendance.

Witness fees, in civil cases, shall be taxed as disbursement costs against the defeated party, upon proof, by affidavit, that the disbursements have actually been made. Costs shall not be allowed for more than two witnesses to the same fact or series of facts, nor shall a party plaintiff or defendant be allowed any fees for attendance as a witness in his own behalf. This provision shall be held to apply to Courts of Justices of the Peace, as well as to all other Courts and judicial proceedings. For criminal cases, no witness fees shall be allowed.

JURORS.

Fees of jurors.

2743. SEC. 9. Fees shall be allowed to jurors as follows:

For each day, to be paid in civil cases by the party in whose favor the verdict is rendered, but to be recoverable as costs from the losing party, three dollars, excepting in Justices' Courts, when the fee shall be two dollars.

If, in any trial in a civil action, before any Court, the jury be from any cause discharged without finding a verdict, the fees of such jury shall be paid by the plaintiff, but may be recovered back as costs if he afterward obtain judgment. Until they are paid, no further proceedings shall be had in the action. No person shall receive any fees for serving as a juror on a Coroner's inquest. No fees shall be allowed to grand or trial jurors in criminal cases. ([a])

[a] Jurors' fees, see Secs. 1059 and 2772.

COUNTY AUDITORS.

Fees of County Auditors.

2744. SEC. 10. The fees of County Auditors shall be as follows:

For filing Treasurer's receipts and issuing licenses, to be paid by the party, fifty cents;

The County Auditor shall receive for all services rendered by him in the discharge of the duties imposed on him by law, other than those especially enumerated, for each folio, thirty cents;

For filing and indorsing each paper, twenty-five cents, except the property schedule rendered him by the Assessor, for which he shall receive no fees.

JUDGES AND CLERKS OF ELECTION.

2745. SEC. 11. The fees of Judges and Clerks of Election shall be as follows: Fees of.

For each day's attendance at any general or special election, the Judges and Clerks of such election shall receive five dollars, the same to be audited and paid out of the County Treasury, as other charges against the county. ([a])

(a) The person carrying the poll book to Clerk's office, and the Clerk for attending at another county to canvass votes, are each allowed thirty cents per mile for going and returning. Stats. 1866, p. 218, Sec. 2539, post. Messenger's fees, Sec. 2536.

JUSTICES OF THE PEACE.

2746. SEC. 12. Justices of the Peace shall be allowed the following fees for their services: For filing each paper, twenty-five cents; for issuing any writ or paper by which suit is commenced, one dollar; for entering cause in docket, fifty cents; for subpœna to each witness, twenty-five cents; for administering oath (or affirmation), twenty-five cents; certifying to the same, twenty-five cents; for issuing writ of attachment, or arrest, or order for delivery of property, two dollars; for entering any final judgment, per folio, for the first folio, one dollar, for each additional folio, fifty cents; for taking and approving any bond or undertaking required by law to be taken or approved by him, one dollar; for issuing a venire, one dollar; for taking depositions, per folio, twenty five cents; for issuing commissions to take testimony, one dollar; for copy of any judgment, order, docket, proceeding, or paper in his office, per folio, twenty-five cents; for entering satisfaction of judgment, fifty cents; for issuing execution, one dollar; for taking acknowledgments of deeds or other instruments, including certificates, for the first name, one dollar, for each subsequent name, twenty-five cents; for issuing supersedeas to an execution, one dollar; for making up and transmitting transcript and papers on appeal, two dollars; for issuing search warrant, one dollar; for celebrating marriage and returning certificate to the Recorder, five dollars; for issuing writ of restitution, one dollar; for all services and proceedings in a criminal action, the same fees as are allowed in civil cases; but in no case shall there be a charge against the county exceeding, in any one case, the sum of ten dollars; for taking bail after commitment in criminal cases, to be collected from the defendant, one dollar; for entering any cause without process, one dollar; for entering judgment by confession, as in the District Court, three dollars; for each motion, exception, rule, order, default, dismissal, discontinuance, Fees of.

or nonsuit, and for filing each paper required to be filed, twenty-five cents. [Act of March 11, Stats. 1867, p. 101.]

INTERPRETERS AND TRANSLATORS.

Fees of. 2747. SEC. 13. Interpreters and translators shall receive such fees as the Court by whom they are employed shall certify to be just.

SURVEYORS.

Fees of. 2748. SEC. 14. County Surveyors shall be entitled to demand and receive the following fees:

For each mile actually run with a compass and chain, five dollars;

For each mile run with a compass alone, two dollars;

For each lot laid out, platted in a town or city, or town site, two dollars;

For each copy of a plat or town site, one dollar;

For recording a survey, per folio, thirty cents;

For calculating the quantity of each division made in a tract of land, town lots excepted, and for erecting a monument at the corner of any survey, when required, two dollars;

For traveling to the place of survey, for each mile in going only, seventy-five cents—the distance to be computed from where his office is kept to the place of survey; and if such surveyor shall be required, and duly notified, verbally or otherwise, to make other surveys while in the field, he shall only be entitled to mileage from the place last surveyed by him; but if the distance shall be greater than the place last surveyed, where his services are required, he shall only be entitled to mileage from the county seat of the county where he lives, and in no case shall constructive mileage be allowed;

For ascertaining the location of every town lot in an old survey, and measuring and marking the same, three dollars.

NOTARIES PUBLIC.

Fees of. 2749. SEC. 15. The fees of Notaries Public shall be as follows:

For drawing and copying every protest for the non-payment of a promissory note, or for the non-payment or non-acceptance of a bill of exchange, draft, or check, two dollars;

For drawing and serving every notice of non-payment of a promissory note, of the non payment or non-acceptance of a bill of exchange, order, draft, or check, one dollar;

For drawing an affidavit, deposition, or other paper, for which provision is not herein made, for each folio, thirty cents;

For taking an acknowledgment, or proof of a deed, or other instrument, to include the seal and the writing of the certificate, for the first signature, one dollar; and for each additional signature, fifty cents;

For administering an oath or affirmation, twenty-five cents;

For every certificate, to include writing the same, and the seal, fifty cents.

2750. SEC. 16. No other fees shall be charged than those specially set forth herein; nor shall fees be charged for any other services than those mentioned in this Act. No other fees to be charged.

2751. SEC. 17. It shall be the duty of each and every one of the officers hereinbefore mentioned to keep severally a book, to be called the "fee book," in their respective offices, in which they shall enter all the fees charged by them, and said books shall be open to the inspection of any one desiring to inspect the same, in which shall be stated the fees charged for in detail, with the title of the matter, proceeding, or action in which they are charged. Fee book.

2752. SEC. 18. It shall be the duty of the County Clerks, County Recorders, County Surveyors, Sheriffs, Justices of the Peace, and Constables, on the first Monday in July, in the year of our Lord one thousand eight hundred and sixty-five, and every three months thereafter, to make out and file with the County Commissioners of their several counties, a full and correct statement, under oath, of all fees, percentage, or compensations of whatever nature or kind received in their said several official capacities during the preceding three months; in which statement they shall set forth the causes in which, and the services for which, such compensations were received; *provided*, that nothing in this Act shall be so construed as to require personal attendance in filing such statements, and such statements may be transmitted by mail, express, or otherwise, directed to the Clerk of said Board of County Commissioners.—[As amended February 23, Stats. 1867, p. 63.] Statement of fees to be made.

2753. SEC. 19. It shall be the duty of the District Judge to give this Act specially in charge to the grand jury. Act to be given in charge to grand jury.

2754. SEC. 20. Any officer who shall violate any of the provisions of the sixteenth, seventeenth, and eighteenth sections of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one thousand dollars. Penalty for violation of certain sections.

2755. SEC. 21. If any officer shall take more or greater fees than are herein allowed, he shall be liable to indictment, and on conviction, shall be removed from office and fined in any sum not exceeding one thousand dollars. Liable to indictment.

2756. SEC. 22. Every officer whose fees are ascertained and fixed by this Act, shall publish and set up in his office, fair tables of his fees, according to this Act, within one month from its passage, in some conspicuous place, for the inspection of all persons who have business in his office, upon pain of forfeiting for each day of his omission so to do, a sum not exceeding twenty dollars, which may be recovered by any person, by action before any Justice of the Peace of the same county, with costs. Table of fees to be posted.

2757. SEC. 23. When, by law, any publication is required to be made by an officer, of any suit, process, notice, order, or other paper, the cost of such publication shall, if demanded, be tendered by the party to whom such order, process, notice, or other papers, was granted, before such officer shall be compelled to make publication thereof. Costs of publication

2758. SEC. 24. All fees prescribed in this Act shall be payable in advance, if demanded, and if any officer shall not

Officer may have execution. have received any or all of his fees, which may be due him for services rendered by him in any suit or proceedings, he may have execution therefor, in his own name, against the party or parties from whom they are due, to be issued from the Court where the action is pending, upon the order of the Judge or Court, upon affidavit filed.—[As amended January 26, Stats. 1866, p. 51.]

MISCELLANEOUS PROVISIONS.

Folio defined. 2759. SEC. 25. The term "folio," when used as a measure for computing fees or compensation, shall be construed to mean one hundred words, counting every figure necessarily used as a word. Any portion of a folio, when in the whole draft or paper there should not be a complete folio, and when there shall be an excess over the last folio exceeding a quarter, shall be computed as a folio. The filing of a paper shall be construed to include the certificate of the same.

Mileage. 2760. SEC. 26. When any Sheriff, Constable, or Coroner serves more than one process in the same cause, not requiring more than one journey from his office, he shall receive mileage only for the most distant service.

Attorney as witness, no fees. 2761. SEC. 27. No attorney or counselor at law in any case shall be allowed any fees for attending as a witness in such case.

Oath of office. 2762. SEC. 28. No fees shall be charged by any officer for administering and certifying the oath of office.

Mileage, how computed. 2763. SEC. 29. Mileage shall be computed from the Court House of the county, and every fraction of a mile shall be computed as one mile.

An Act supplementary to an Act entitled "An Act to regulate fees and compensation for official and other services in the State of Nevada," approved March ninth, eighteen hundred and sixty-five.

[Approved February 15, 1866, p. 67.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Fees of. 2764. SECTION 1. Commissioners of Deeds, appointed by the Governors of any of the States of the United States of America, or any of the Territories thereof, to reside in the State of Nevada, may receive for services rendered in this State the compensation hereinafter expressed, and none other—that is to say: For drawing an affidavit, deposition, or other paper, for each folio, thirty cents. For administering an oath or affidavit, twenty-five cents. For putting his seal to such instrument, fifty cents. For taking an acknowledgment or proof of a deed or other instrument, to include the seal and the writing of the certificate, for the first signature, one dollar, and for each additional signature, fifty cents.

Pains and penalties. 2765. SEC. 2. Each Commissioner of Deeds residing in this State shall be subject to all the pains and penalties for official delinquency, or extortions, as is provided in the Act to which this is supplemental.

CHAPTER LXVIII.

OF COURT FEES.

SECTION 2766. Court fees, District Court.
2767. Fees on appeal to District Court.
2768. On appeal to Supreme Court.
2769. Duty of Clerks to give receipts; to pay over fees to Treasurer.
2770. Duty of Clerk of the Supreme Court.

An Act to carry out the provisions of section sixteen of Article VI of the State Constitution.

[Approved March 15, 1865, p. 406.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2766. SECTION 1. At the time of the commencement of every civil action, or other proceeding, in the several District Courts of this State, the plaintiff shall pay the Clerk of the Court in which said action shall be commenced, the sum of five dollars, in gold or silver coin, except as herein otherwise provided. At the commencement of any proceeding in said District Courts, for the purpose of procuring an appointment of administrators upon the estate of any deceased person, or for the probate of any will of any deceased person, the party instituting such proceedings shall pay the Clerk of said Court the sum of three dollars in gold or silver coin. Court fees, District Court.

2767. SEC. 2. Whenever any appeal shall be brought in a civil action or proceeding, from the judgment or decision of the Court of a Justice of the Peace, or other tribunal inferior to the District Court, to the District Court, the party appealing shall, before the return to said appeal shall be allowed to be filed in the appellate Court, pay the Clerk of such appellate Court the sum of two dollars in gold or silver coin, which said several fees above provided for shall be known as Court fees. And no such action shall be deemed commenced, proceeding instituted, or appeal perfected, until the said fees shall be paid as aforesaid. Fees on appeal to District Court.

2768. SEC. 3. Whenever any appeal from the final judgment, or any order of a District Court, shall be taken to the Supreme Court, the party appealing shall, at or before the filing of the transcript on such appeal in the Supreme Court, pay the Clerk of the Supreme Court the sum of ten dollars, in gold or silver coin, as and for a Court fee. And the Clerk of the Supreme Court shall not file any such transcript in his office until such fee is paid. On appeal to Supreme Court.

2769. SEC. 4. It shall be the duty of the said Clerks, on the demand of any party asking it, to give a receipt to the

Duty of Clerks to give receipts. party paying such fee for the same, specifying the title of the cause in which the same shall be paid, and the date and amount of such payment. And it shall be the further duty of the several Clerks of the District Courts of this State, on the first To pay over fees to Treasurer. Monday of each and every month, to pay over to the County Treasurer of the county which compose their judicial districts, all moneys received by them for such Court fees, together with a brief note of the cases in which the same was received; which money shall be payable in the District Judge Salary Fund of the district embraced in the county where the same shall be so received.

Duty of Clerk of the Supreme Court. 2770. SEC. 5. The Clerk of the Supreme Court shall, on the first Monday in each month, pay to the State Treasurer all moneys received by him for Court fees, rendering to said Treasurer a brief note of the cases in which the same were received. The money so received by the Treasurer shall be placed by him in the Supreme Judges' Salary Fund, and the same shall be used for no other purpose.

NO DOCKET FEE IN ACTION BY STATE.—The statute requiring the payment of a docket fee on the commencement of every action or proceeding in a District Court (Stats. 1864–5, p. 406), does not apply to actions commenced by the State.—State v. Rhoades, 6 Nev., p. 352.

CHAPTER LXIX.

OF THE COMPENSATION OF JURORS.

SECTION 2771. Expenses taxed as other disbursements.

An Act concerning certain expenses relative to jurors in civil cases. ([a])

[Approved March 3, 1869, p. 111.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Expenses taxed as other disbursements 2771. SECTION 1. In all cases when a jury is kept together by reason of the requirements concerning special juries, or by failure to agree upon a verdict, the expenses of their board and lodging shall be taxed as other disbursements and expenses in favor of the prevailing party. No verdict shall be entered or judgment rendered thereon, until the same is paid or rendered. The Clerk shall receive and properly disburse all money properly taxable under the provisions of this Act.

(a) The Act of 1865, providing for special juries, was repealed by Act of 1866, p. 193 of Stats. 1866; see Sec. 1059, as to payment of jurors. Act of March 5th, 1869, p. 138; also, Act of February 15th, Stats. 1871, p. 56, concerning compensation of jurors, are repealed by Act of 1873, p. 126; see Sec. 1063.

CHAPTER LXX.

OF THE DUTIES OF THE ATTORNEY GENERAL.

SECTION 2773. Attorney General to reside and keep his office at seat of government.
2774. To prosecute and defend certain causes; to account for moneys.
2775. To give written opinions to certain officers.
2776. To keep docket of causes, etc.
2777. To report annually to the Governor.
2778. To assist District Attorneys in certain cases.
2779. Refusal to perform duty deemed a misdemeanor.
2780. Salary and contingent expenses.
2781. Act to take effect, when.

An Act defining the duties of the Attorney General of the State of Nevada.

[Approved March 11, 1867, p. 106.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Attorney General to reside and keep his office at seat of government.

2773. SECTION 1. The Attorney General shall reside and keep his office at the seat of government, and shall not absent himself from the State exceeding sixty consecutive days without leave of absence from the Legislature. He shall be commissioned by the Governor, and shall take the oath prescribed by the Constitution, and shall give bond with security, to be approved by the Board of State Examiners, in the sum of five thousand dollars, conditioned for the faithful performance of the duties of his office.

To prosecute and defend certain causes.

2774. SEC. 2. The Attorney General shall attend each of the terms of the Supreme Court, and there prosecute or defend, as the case may be, on the part of the State, all causes to which the State may be a party; also, all causes to which any officer of the State, in his official capacity, may be a party; also, all causes to which any county may be a party, other than those in which the interest of the county may be adverse to the State, or any officer of the State, acting in his official capacity; and after judgment obtained in any such cause, he shall direct such proceedings, and sue out such process as may be required to carry the same into execution. He shall account for and pay over to the proper officer, without delay, all moneys which may come into

To account for moneys.

his hands belonging to the State or any county. It shall be his duty to assist in all impeachments which may be tried before the Senate.

To give written opinions to certain officers.

2775. SEC. 3. When required, the Attorney General shall give his opinion, in writing, upon any question of law, to the Governor, the Secretary of State, Controller, Treasurer, Surveyor General, the Trustees, Commissioners, or Warden of State Prison, Hospital, or Asylum, or the officers of any State institution whatever, and to any District Attorney, upon any question of law relating to their respective offices; and for no duty required of him by law shall he be entitled to receive any fee whatever.

To keep docket of causes, etc.

2776. SEC. 4. The Attorney General shall keep a docket of all causes to which the State, or any officer of the State, in his official capacity, or any county, may be a party; which docket shall at all times, in business hours, be open to the inspection of the public, and shall set forth the county, district, and Court in which said causes shall have been instituted, tried, and adjudged, and whether civil or criminal causes; if civil causes, the nature of the demand, the stage of the proceedings, and when prosecuted to judgment, a memorandum of the judgment, of the process, if any issued thereon, and whether satisfied or not, and if not satisfied, the return of the Sheriff or other officer on said process; and if criminal causes, the nature of the crime, the mode of prosecution, the style of the proceedings, and when prosecuted to sentence, a memorandum of the sentence.

To report annually to the Governor.

2777. SEC. 5. The Attorney General shall, also, on the first day of January, annually, report to the Governor the condition of the affairs of his department, and in such report make such suggestions as shall appear to him calculated to improve the laws of the State. He shall communicate to the Governor, or either branch of the Legislature, when requested, any information concerning his office.

To assist District Attorneys in certain cases.

2778. SEC. 6. Whenever the Governor shall direct, or in the opinion of the Attorney General, to protect and secure the interest of the State, it is necessary that a suit be commenced or defended in any Court, it is hereby made the duty of the Attorney General to commence such action, or make such defense; and such actions may be instituted in any District Court in the State, or in any Justice's Court of the proper county.

Refusal to perform duty deemed a misdemeanor.

2779. SEC. 7. If the Attorney General shall neglect or refuse to perform any of the duties required of him by law, he shall be deemed guilty of misdemeanor, or shall be subject to removal from office; and he shall be responsible upon his official bond for all carelessness, negligence, or malfeasance in office.

Salary and contingent expenses.

2780. SEC. 8. The Attorney General shall receive as salary the sum of thirty-six hundred dollars per annum, payable quarterly; and he shall receive, in the performance of his duty as Attorney General, no other compensation whatever. And except the necessary contingent expenses of the office, no claim against the State created in the office of the Attorney General or in the performance of any duty of the Attorney General, shall be paid or allowed, unless the same be first approved by the Board of Examiners, and afterwards presented to the Legislature and a law enacted for the payment of the same.

2781. SEC. 9. This Act to take effect, and be in force, from and after the first Monday of January, A. D., eighteen hundred and seventy-five. [As amended February 20, Stats. 1873, p. 62.] Act to take effect, when.

CHAPTER LXXI.

OF THE SECRETARY OF STATE, AND HIS DUTIES.

SECTION 2782. Bond, conditions of.
2783. Bond, approval of.
2784. Office to be kept at Capitol.
2785. Duties of Secretary.
2786. Duty in reference to official acts of Governor, etc.
2787. Copies of records, etc.
2788. Duty to superintend printing; to distribute laws and journals; receipts.
2789. Extra clerks.
2790. Ex officio Librarian.
2791. Ex officio Superintendent of Public Buildings.
2792. To furnish fuel, etc., to Legislature.
2793. Expenses, how paid.
2794. Fees of office; not to charge State officers, or members of the Legislature; fees to be paid into Library Fund.

DEPUTY.

2795. Power to appoint a deputy.
2796. Salary of deputy.
2797. Warrant, when issued and paid.

CLERK IN LIBRARY AND ADJUTANT GENERAL'S OFFICE.

2798. Clerk may be employed in Library and Adjutant General's office.
2799. Compensation of.

ORGANIZATION OF THE ASSEMBLY.

2800. Secretary of State to make out roll of members of Assembly.
2801. To call Assembly to order.

DISTRIBUTION OF PUBLIC DOCUMENTS, STATUTES, AND REPORTS.

2802. Books and documents delivered, to whom.

PRESERVATION OF MANUSCRIPT LAWS.

2803. Duty in relation to binding.
2804. Expenses, how paid.

FIREMEN FOR LEGISLATURE.

2805. Secretary of State to appoint firemen.
2806. Salary of.

BIENNIAL REPORTS.

2807. Secretary of State to make biennial reports.

An Act concerning the office of Secretary of State.

[Approved February 14, 1865, p. 149.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Bond, conditions of.

2782. SECTION 1. The Secretary of State, before entering upon any of the duties of his office, shall make and execute his bond to the State of Nevada, in the penal sum of ten thousand dollars, with at least two sufficient sureties, conditioned for the faithful performance of the several duties imposed upon him by the Constitution and laws of this State.

Bond, approval of

2783. SEC. 2. Said bond shall be approved by the Governor, recorded in the office of the Secretary of State, and then deposited with the State Controller.

Office to be kept at Capitol.

2784. SEC. 3. The Secretary of State shall keep his office at the Capitol of the State, and shall keep the same open in person, or by his deputy, on all days on which business is usually transacted, from the hours of ten o'clock in the forenoon until four o'clock in the afternoon.

Duties of Secretary.

2785. SEC. 4. The Secretary of State shall have the custody of, and shall carefully preserve the enrolled copy of, the Constitution of the State of Nevada, the description of the State seal, and other seals of which a description may be required to be deposited in his office; the proceedings and all papers of the two Constitutional Conventions heretofore held for the purpose of framing a Constitution of this State; the manuscripts containing the enrolled Acts and joint resolutions and journals of the Legislature of this State and the Territory of Nevada; the records, papers, and documents of Carson County, Utah Territory, and all other books, records, and documents which, by the laws of the Territory of Nevada, were required to be deposited and kept in the office of the Secretary of said Territory of Nevada; and all the books, records, parchments, maps, registers, and papers, that may be required to be deposited in his office or kept therein; all deeds and conveyances belonging to the State; all official bonds approved by the Governor, except the bond of said Secretary; and all written contracts to which the State is a party, unless required to be deposited elsewhere. Said deeds, conveyances, and official bonds, shall be recorded in well bound books, and the original papers (except the bond of the Secretary of State) shall not be permitted to be taken out of the office on any pretense whatever, unless in the possession of the Secretary of State or his deputy.

Duty in reference to official acts of Governor, etc.

2786. SEC. 5. It shall be the duty of the Secretary of State to keep a fair register, and also attest all the official acts and proceedings of the Governor, and affix the seal of the State, with proper attestations, to all commissions, pardons, and other public instruments to which the signature of the Governor is required; to lay all papers, minutes, and vouchers relative to the official acts and proceedings of the Governor before either house of the Legislature when required by such house; to permit all the books, bonds, deeds, registers, papers, and transactions of his office to be open at all times to the inspection and examination of any committee of either branch of the Legislature; to furnish information, in writing, upon any subject relating to the duties of his office to the Governor whenever required; to deliver up, in good order and condition, to his successor, all records, books, papers, and other things, belonging to his office; and to perform all such other duties as may be enjoined upon him by the Constitution and laws of this State. Same.

2787. SEC. 6. The Secretary of State shall furnish, on demand, to any person paying the proper legal fees therefor, a duly certified copy of all or any part of any law, Act, record, or other instrument of writing on file or deposited in his office, and of which a copy may be properly given. Copies of records, etc.

2788. SEC. 7. It shall be the duty of the Secretary of State to superintend the printing, and have corrected a proof sheet of the Acts, joint resolutions, and journals, required by law to be printed, by carefully comparing them with the enrolled bills and original journals on file in his office, and to distribute the laws and journals as soon as printed, in the following manner: To each department of the Government at Washington, one copy; to the library of Congress, two copies; to each of the States and organized Territories, two copies; to each of our members of Congress, to each of the Judges of the Supreme and District Courts, one copy; every person who was a member of the Legislature of the session when the laws and journals were adopted, and every elective officer of the Senate and Assembly, and every appointee of the Secretary and Sergeant-at-Arms of the Senate of such session, shall be entitled to one copy of each. Of the laws, alone, he shall furnish to the County Clerk, in the cheapest and most expeditious manner, to be by the County Clerk distributed, upon application to him, as follows: One copy for the Board of Commissioners, when such Board exists, and one copy to each county officer and each Justice of the Peace; and of the journals, he shall furnish two copies of each house to each County Clerk, for the use of the county; he shall also distribute the laws and journals to such literary and scientific institutions, publishers, and authors, as in his opinion may secure an interchange of works, which may properly be placed in the State Library; and he shall also, through the County Clerk, distribute one copy thereof to each public library in the State. All laws and journals distributed to State or other officers of this State, except to members of the Legislature, shall be for the use of the office, and to be by the person receiving them turned over to his successor in office; and the Secretary of State shall take proper receipts for such books, and file the same in his office; and he shall also direct the County Clerks as to the form and disposition of the receipts to be taken by them from distributees. [As amended March 11, Stats. 1867, p. 97.] Duty to superintend printing. To distribute laws and journals. Receipts.

2789. SEC. 8. For the purpose of facilitating the printing of the laws, joint resolutions, and other documents, copies of which may be required to be furnished by the Secretary of State, Extra clerks.

he is authorized to employ any number of clerks which may be necessary to the expeditious copying of the same (at a rate not to exceed fifteen cents per folio of one hundred words).

Ex officio Librarian.

2790. SEC. 9. The Secretary of State shall be ex officio State Librarian, and shall procure a suitable place for the library of the State, and take charge of the same in a manner best calculated to subserve the interests of the State by keeping said library in good condition. [a]

[a] Lieutenant Governor ex officio State Librarian, after first day of January, 1875. See Sec. 2437.

Ex officio Superintendent of Public Buildings.

2791. SEC. 10. The Secretary of State shall be ex officio Superintendent of public buildings and property of the State at the capital, and it shall be his duty, during the recess of the Legislature, to take charge of, preserve, and keep in proper repair, the capitol building and furniture, and in due time, previous to the meeting of each session of the Legislature, he shall have the said building and furniture properly prepared and arranged for their reception.

To furnish fuel, etc., to Legislature

2792. SEC. 11. It shall be the duty of the Secretary of State, previous to the assembling of each Legislature, to contract, on the most reasonable terms possible, for a sufficient supply of fuel, and such other articles, except stationery, as may be necessary for the use of the members, to enable them to transact the public business; and, at the commencement of each session, he shall present to the Legislature a full account of all purchases made by him, with such vouchers as may be in his possession concerning the same. [As amended March 1, Stats. 1866, p. 182.]

Expenses, how paid.

2793. SEC. 12. Any expense which may be necessarily incurred by the Secretary of State in carrying out the provisions of this Act, when certified by him, and approved by the Board of Examiners, shall be audited by the Controller, and paid by the Treasurer of State out of any moneys in the State Treasury not otherwise specifically appropriated.

Fees of office.

2794. SEC. 13. The fees chargeable in the office of the Secretary of State shall be as follows: First—For a copy of any law, joint resolution, transcript of record, or other document or paper on file in his office, forty cents per folio of one hundred words. Second—For certificate and seal of State, five dollars. Third—For filing each certificate of incorporation, five dollars. Fourth—For recording each certificate of incorporation, forty cents per folio. Fifth—For filing and recording each official bond, five dollars. Sixth—For each passport or other document (except commissions and pardons), signed by the Governor and attested by the Secretary of State, five dollars. Seventh—For searching records and archives of State, and other records and documents kept in said office, he shall be allowed to charge a reasonable fee, according to circumstances, but no member of the Legislature or State officer shall be charged for any search relative to matters appertaining to the duties of their offices, nor shall they be charged any fee for a certified copy of any law or resolution passed by the Legislature of this State relative to their official duties. Eighth—For

Not to charge State officers, or members of the Legislature.

each commission, signed by the Governor and attested by the Secretary of State, such fees as are or may be prescribed by law. All fees collected in the office of the Secretary of State shall be paid over into the Library Fund, and be appropriated to the use and benefit of the State Library, except in such cases as are or may be otherwise provided by law. Fees to be paid into Library Fund.

2795. SEC. 14. The Secretary of State shall have power under his hand and seal to appoint a deputy, who may, during the absence of the Secretary of State from the office, perform all the duties of a ministerial nature belonging to the office; and for his own security the Secretary of State may require such deputy to give him a bond, in such sum and with such sureties as he may deem sufficient; *provided*, that the salary of such deputy shall not exceed two hundred dollars per month. Power to appoint a deputy.

An Act concerning the salary of Deputy Secretary of State.

[Approved March 1, 1866, p. 161.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2796. SECTION 1. From and after the passage of this Act, the Deputy Secretary of State shall receive a salary of two hundred and fifty dollars per month, payable monthly. Salary of deputy.

2797. SEC. 2. The Controller of State shall, at the end of each month, draw his warrant upon the State Treasury, in favor of said Deputy, for the amount of his compensation then due, and the State Treasurer shall pay the same out of any money in the State Treasury not otherwise specially appropriated. Warrant, when issued and paid.

An Act authorizing the Secretary of State to employ a clerk in the State Library and Adjutant General's office.

[Approved May 11, 1867, p. 96.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2798. SECTION 1. The Secretary of State is hereby authorized to employ a clerk in the State Library and Adjutant General's office; said clerk shall also perform such other duties as may from time to time be required by the Secretary of State. (a) Clerk may be employed in Library and Adjutant General's office.

(a) After January 1, 1875, Lieutenant Governor ex officio State Librarian; Sec. 2437.

2799. SEC. 2. The compensation of said clerk shall be one hundred and fifty dollars per month, and the Controller of State is hereby authorized to draw his warrant on the Treasurer at Compensation of.

the end of each month for the above amount, and the Treasurer is hereby authorized to pay the same out of any moneys not otherwise specially appropriated.

An Act to provide for the organization of the Assembly at the commencement of each session.

[Approved February 6, 1867, p. 47.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Secretary of State to make out roll of members of Assembly.

2800. SECTION 1. It is hereby made the duty of the Secretary of State to make out, prior to the meeting of the Assembly of each session thereof, a roll of the members elect, as shall appear by the returns on file in his office; and only such members whose names shall appear upon such roll shall be allowed to participate in the organization of the Assembly.

Ao call Assembly to order.

2801. SEC. 2. On the first day of each session of the Legislature, at twelve o'clock, M., the Secretary of State shall call the Assembly to order, and shall preside over the same until a presiding officer shall be elected.

An Act authorizing the Secretary of State to furnish the printed public documents, statutes, and reports to certain parties therein named.

[Approved February 2, 1871, p. 50.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Books and documents delivered, to whom.

2802. SECTION 1. The Secretary of State is hereby authorized and directed to deliver to the United States Circuit Judge for the Ninth Circuit, and to each of the Judges of the United States District Courts for Nevada, California, and Oregon, and to the Librarian of the San Francisco Law Library, one full set of the Reports of Decisions of the Supreme Court of Nevada, and one full set of the legislative documents and statutes of Nevada, including such of the printed documents and statutes of the Territory of Nevada as may be in the State Library for public distribution, and from time to time hereafter, as the same shall be published, to each of said Judges one copy of the Supreme Court Reports and one copy of the legislative documents and statutes of the State, and to said Librarian two copies of each of said reports, documents, and statutes.

An Act to provide for the preservation of the manuscript laws.

[Approved March 2, 1871, p. 106.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. [Related to manuscript laws of 1869.]

2803. SEC. 2. It shall be the duty of the Secretary of State, after the final adjournment of each session of the Legislature, and after all the laws, joint and concurrent resolutions, and memorials have been printed, as required by law, to cause all the enrolled bills of such laws, joint and concurrent resolutions, and memorials, to be bound in a suitable book, in junk board, marbled, with leather backs and corners. It shall be his duty to personally superintend such work, and at all times have immediate control thereof. **Duty in relation to binding.**

2804. SEC. 3. The expenses incurred in such work shall be paid by the State in such manner as may be directed by the State Board of Examiners. **Expenses, how paid.**

An Act to provide firemen for the furnaces of the Capitol building during the sessions of the Legislature.

[Approved February 4, 1873, p. 50.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2805. SECTION 1. The Secretary of State is hereby authorized and empowered to appoint firemen for the furnaces of the Senate and Assembly chambers, respectively, during the sessions of the Nevada Legislature. **Secretary of State to appoint firemen.**

2806. SEC. 2. Said firemen shall receive a salary of four dollars per day, to be paid out of the Contingent Funds of the Senate and Assembly. **Salary of.**

An Act relating to the duties of the Secretary of State.

[Approved March 7, 1873, p. 177.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2807. SECTION 1. The Secretary of State of the State of Nevada shall, hereafter, prepare and render a biennial report to the Governor of Nevada, in like manner as the State Controller and Treasurer, in which report shall be included an exhibit, showing in detail all expenditures made by him or under his direction; all moneys received by him, from whatever source, and the disposition made of the same. Said report shall also **Secretary of State to make biennial reports.**

include all matters relating to the general business of the office of Secretary of State during the period embraced in said report.

CHAPTER LXXII.

OF THE STATE CONTROLLER AND HIS DUTIES.

SECTION 2808. Controller, how commissioned.
2809. To give bond.
2810. To report annually to Governor.
2811. To keep and state all accounts.
2812. Authorized to audit and allow claims; may examine witnesses, etc.; to draw warrants.
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2828. To keep account with Treasurer.
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2832. Office hours.

DEPUTY STATE CONTROLLER.

2833. Controller authorized to appoint Deputy.
2834. Compensation of.

CANCELLATION OF UNPAID WARRANTS.

2835. Unpaid warrants, canceled when.
2836. Canceled warrants to be filed, and certified to Treasurer.
2837. Treasurer to transfer funds; renewed claims, how paid.

An Act defining the duties of State Controller.

[Approved February 24, 1866, p. 96.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2808. SECTION 1. The Controller shall be commissioned by the Governor, and shall keep his office at the seat of government. He shall not absent himself from the State for a longer period than ninety days, without leave of absence obtained from the Legislature. **Controller, how commissioned.**

2809. SEC. 2. Before entering upon the duties of his office, he shall execute his official bond to the State of Nevada, with such sureties as shall be approved by the Governor, in the penal sum of fifteen thousand dollars, conditioned for the true and faithful performance of the duties enjoined by law, and for the safe delivery to his successor in office of all books, papers, documents, maps, vouchers, and other effects, belonging or appertaining to the office of Controller, or to the State of Nevada. **To give bond.**

2810. SEC. 3. He shall digest, prepare, and report to the Governor, on the first day of January, or within twenty-five days thereafter, annually, to be laid before the Legislature at each regular session, a complete statement of the condition of the revenues, taxable funds, resources, incomes, and property of the State, and the amount of the expenditures for the preceding fiscal year; a. full and detailed statement of the public debt; estimate of the revenues and expenditures for the succeeding fiscal year, specifying therein each object of expenditure, and distinguishing between each object of expenditure, and between such as are provided for by permanent or temporary appropriation, and such as require to be provided for by law. Also, a tabular statement showing separately the whole amount of each appropriation of money made by law, the amount paid under the same, and the balance unexpended; a tabular statement showing the amount of revenue chargeable to each county for the preceding year; the aggregate amount of each object of taxation, together with the tax due upon the same; and shall recommend such plans as he may deem expedient for the support of the public credit, for promoting frugality and economy in the public offices, for lessening the public expenses, and, generally, for the better management and more perfect understanding of the fiscal affairs of the State. **To report annually to Governor.**

2811. SEC. 4. He shall keep and state all accounts between the State of Nevada and the United States, or any State or Territory, or any individual, corporation, or public officer of this State, indebted to the State, or intrusted with the collection, disbursement, or management of any moneys, funds, or interests, arising therefrom, belonging to the State, of every character and description whatsoever, where the same are derivable from or payable into the State Treasury. He shall examine and settle the accounts of all County Treasurers, and other collectors and receivers of all State revenues, taxes, tolls, and incomes, levied or collected by any Act of the Legislature **To keep and state all account** and payable into the State Treasury, and certify the amount or balance to the State Treasurer. He shall keep fair, clear, distinct, and separate accounts of all the revenues and incomes of the State, and also all the expenditures, disbursements, and investments thereof, showing the particulars of every expenditure, disbursement, and investment.

Authorized to audit and allow claims.

2812. SEC. 5. He shall audit all claims against the State, for the payment of which an appropriation has been made, but of which the amount has not been definitely fixed by law, and which shall have been examined and passed upon by the Board of Examiners, or which shall have been presented to said Board, and not examined and passed upon by them within thirty days from their presentation; and he shall allow of said last mentioned claims (not passed upon by the Board of Examiners within said thirty days after presentation), the whole, or such portion thereof, as he shall deem just and legal, and of claims examined and passed upon by the Board of Examiners, such an amount as he shall decree just and legal, not exceeding the amount allowed by said Board. And no claim for services rendered or advances made to the State or any officer thereof, shall be audited or allowed unless such services or advancement shall have been specially authorized by law, and an appropriation made for its payment. For the purpose of satisfying himself of the justness and legality of any claim, he shall be allowed to examine witnesses under oath, and to receive and consider documentary evidence in addition to that furnished him by the Board of Examiners. He shall draw warrants on the Treasurer for such amounts as he shall allow of claims of the character above described, and also for all claims of which the amount has been definitely fixed by law, and for the payment of which an appropriation shall have been made. [As amended March 3, Stats. 1869, p. 158.] (1)

May examine witnesses, etc.

To draw warrants.

(1) CLAIM ALLOWED BY EXAMINERS TO BE PRESENTED TO THE CONTROLLER.—Where a member of the Board of State Printing Commissioners had a claim for his services passed upon and allowed by the Board of Examiners, but omitted to have it audited by the Controller; and the latter, for that reason, refused to issue his warrant upon the treasury for the amount so allowed: *Held*, that it was necessary to show a presentation of the claim for allowance to the Controller; and that, without such showing, the Controller would not be compelled by mandamus to issue his warrant.—Lewis v. Doran, 5 Nev., p. 399.

EXAMINING POWERS OF EXAMINERS AND CONTROLLER.—As the Constitution provides that "no claims against the State (except salaries or compensation of officers fixed by law) shall be passed upon by the Legislature, without having been considered and acted upon by said Board of Examiners" (Const., Art. V, Sec. 21), it follows that the constitutional power of the Controller to examine such claims must be exercised, subject to such examination by the Examiners.—Id.

EXAMINING POWERS ONLY ADVISORY TO THE LEGISLATURE.—The examining powers of the Board of Examiners and of the Controller are, with reference to the Legislature, only advisory.—Id.

To draw all warrants, etc.

2813. SEC. 6. He shall draw all warrants upon the treasury for money, and each warrant shall express, in the body thereof, the particular Fund out of which the same is to be paid, and no warrant shall be drawn on the treasury except there be an unexhausted specific appropriation, by law, to meet the same. The Controller shall keep an account of all warrants by him drawn on the treasury, and a separate account under the head of each specific appropriation, in such form and manner as at all times to show the unexpended balance of each appropriation.

To direct the prosecution of suits.

2814. SEC. 7. He shall direct the Attorney General to institute and prosecute, in the name of the State, all proper suits for the recovery of any debts, moneys, or property of the State, or for the ascertainment of any right or liability concerning the same. He shall direct and superintend the collection of all moneys due to the State.

To state an account against persons failing to settle.

2815. SEC. 8. Whenever any officer, or other person or persons, or corporation, has received moneys belonging to the State, or has been intrusted with the collection, management, or disbursement of any moneys, bonds, or interest, accruing therefrom, belonging in a like manner to, or held in trust by, the State, and shall fail to render an account thereof to, and make settlement with, the Controller, within the time prescribed by law, or where no particular time is prescribed, shall fail to render such account and make settlement, upon being required to do so by the Controller, within ten days after such requisition, the Controller shall state an account against such officer, or person, charging twenty-five per cent damages, and interest at the rate of two per cent per month, from the time of failing to render an account and settle, as aforesaid.

To direct the prosecution of suits in certain cases.

2816. SEC. 9. Whenever any officer, or other person or persons, or corporation, shall be indebted to the State, and fail or refuse to make settlement with the Controller, as in this Act required, and shall fail to pay over to the Treasurer, on the printed or written order of the Controller, according to the provisions of this Act, the amount or balance to be paid by such officer, or other person or persons, or corporation, into the treasury, or to such person or persons entitled by law to receive the same, within the time prescribed by law, or if no time be prescribed by law, then within the time specified by such Controller, the Controller, upon being notified by such Treasurer, or otherwise, of such failure, shall direct the Attorney General to institute suit for the recovery of the amount due and unpaid, with damages and interest thereon, against such officer, or other person or persons, or corporation.

Copy of account sufficient.

2817. SEC. 10. A copy of the account, in such case, made out and certified by the Controller, with his official seal affixed thereto, shall be sufficient evidence to support an action in any Court of competent jurisdiction, for the amount or balance stated therein to be due, without proof of the signature or official character of such Controller, subject, however, to the right of the defendant to plead and give in evidence, as in other actions, all such matters as shall be legal and proper for his defense or discharge.

Party subject to costs, when.

2818. SEC. 11. The party thus sued shall be subject to the costs and charges of suit, whether the ultimate decision be against him or in his favor, except in cases in which he shall have rendered a true account, and shall also have paid the full amount to the proper person authorized by law to receive the same, before the commencement of said suit, or where the suit is brought to recover against a deceased debtor to the State, before the expiration of the time prescribed by law, within which representatives are allowed by law to administer upon estates.

Same.

2819. SEC. 12. If any defendant in any suit prosecuted at the instance of the Controller, under the provisions of this Act, shall, at the trial, give any evidence which existed prior to the time, and within the knowledge of the defendant at the time of such adjustment and settlement of his accounts, and which was not produced to said Controller at the time of said settlement, such defendant shall be subject to the costs and charges of said suit, whether the ultimate decision be against him or in his favor.

Duty to keep and preserve books, records, etc.

2820. SEC. 13. It shall be the duty of the Controller to keep and preserve all public books, records, papers, documents, vouchers, and all conveyances, leases, mortgages, bonds, and all securities for debts, moneys, or property, and accounts and property of any description belonging or appertaining to his office, and also to the State, where no other provision is made by law for the safe keeping of the same.

To give information to Legislature

2821. SEC. 14. He shall give information to either House of the Legislature, whenever required, upon any subject relating to the fiscal affairs of the State, or touching any duty of his office; and shall perform all such other duties, not enumerated in this Act, as may be required by law.

Books, papers, etc., to be open to inspection.

2822. SEC. 15. All the books, papers, files, letters, and transactious, pertaining to the office of Controller, shall be open to the inspection of the Governor, to the inspection of committees and members of the Legislature, or either branch thereof, or that of any other person authorized by law.

Vacancy, how filled.

2823. SEC. 16. In case of the death, absence from the State for a period longer than ninety days without leave, removal from office, or impeachment of the Controller, the Governor shall make an appointment of some suitable person to perform the duties of the office of Controller for the remainder of the term for which the Controller was elected; and such person shall take the oath and give the bond required of the Controller, and shall receive the same compensation as is by law allowed to the Controller, in proportion to the time he shall be employed in such service.

Willful neglect of duty a misdemeanor.

2824. SEC. 17. If the Controller shall willfully neglect or refuse to perform any duty enjoined by law, or, by color of his office, shall knowingly do any act not authorized by law, or in any other manner than is authorized by law, he shall be deemed guilty of a misdemeanor in office.

2825. SEC. 18. The Secretary of State shall procure and deliver to the Controller a seal of office, with some suitable device, and having engraved around the margin thereof the words, "Controller's office of the State of Nevada;" an impression of which seal shall be retained in the office of the Secretary of State as a record. Said seal shall be used for the authentication of all drafts and warrants drawn by the Controller, and of all copies of papers issued from his office. Seal of office.

2826. SEC. 19. The Controller shall charge and enter in a proper book or books, to be provided for that purpose, under distinct heads for each debtor, or disburser, or holder of public moneys, or dues to the State, of all and every description whatever, with a suitable index arranged in alphabetical order, of all such persons, corporations, States, or the United States, as soon as such liabilities or indebtedness shall come officially to his knowledge, charging such officer, person, or persons, corporations, States, or the United States, with the amount or amounts of such liabilities, stating whether such dues be in money, property, or securities of any kind; and particularly of all collectors of the public revenues of the State, and all dues to the State, whether money, property, securities, or other things, from any and all sources whatever, as soon as the same is due by law; or, if no time be stipulated or fixed by law, then as soon after twenty days notice as said Controller shall require the same to be paid, said Controller shall audit and state and require payment thereof; and if not paid, to proceed as directed by this Act, by suit, for the collection of the same. To keep accounts with all debtors of the State.

2827. SEC. 20. Whenever any such debtor or debtors to the State have any such dues to the State ready to pay over, it shall be the duty of such debtor or debtors to call on the Controller for settlement of his or their account; and, after such settlement, it shall be the duty of the Controller to issue his written or printed order, beginning with number one and running in numerical order until the end of the fiscal year, and directed to the Treasurer, to receive from such person making such payment, stating in such written or printed order the amount of money to be paid, in such form as he may prescribe, and hand said written or printed order to said debtor or person offering to pay money, who shall take the same to the Treasurer, and pay over to him the amount specified in said written or printed order, and take from the Treasurer a receipt for the said amount; and on delivery of said receipt to the Controller, it shall be his duty to give to said debtor a discharge for the said amount; and the Controller shall immediately charge the Treasurer with the same; and in no case shall a discharge be granted to any debtor but on the delivery to the Controller of the Treasurer's receipt, predicated on a previous and corresponding written or printed order, to pay such amount into the treasury, in the manner prescribed in this Act. Settlement and payment of accounts.

2828. SEC. 21. It shall be the duty of the Controller to open and keep, in a suitable book or books, to be provided for that purpose, an account with the Treasurer, charging him, in To keep account with Treasurer.

the manner hereinbefore prescribed, with all the moneys for which the Treasurer may grant receipts, and with no other.

How money drawn from the Treasury.

2829. SEC. 22. Whenever any person is entitled to draw, or to receive any money from the treasury, the Controller shall draw a warrant in his favor on the Treasurer, and deliver the same to the person entitled thereto, taking his receipt for the same, in a book of receipts to be provided for that purpose, numbering the receipt the same as the warrant, and shall give the Treasurer credit for all such warrants, in the order in which he issues the same, in such manner as to show the date thereof, in whose favor it was drawn, the nature of the claim upon which it is founded, with a reference to the law under which it is drawn.

Duty respecting orders on the Treasury, and receipts.

2830. SEC. 23. It shall be the duty of the Controller to number all the written or printed orders he issues to the Treasurer to receive money, beginning with number one at the beginning of each fiscal year, and running in numerical order until the end of the fiscal year. The present fractional year to constitute the first fiscal year. It shall likewise be the duty of the Controller to see, before filing the Treasurer's receipt, that they are numbered with the corresponding numbers of the written or printed order on which the receipt was predicated, and to number on the back of each receipt the number thereof, and for what fiscal year, and carefully file away and preserve the same.

To furnish Assessors with blank books.

2831. SEC. 24. It shall be the duty of the Controller to provide suitable forms of blanks and books, and furnish the Assessors and Collectors of each county with the same, in such form and manner as will best effect the object of the statutes providing for the assessment and collection of the public revenues of the State.

Office hours

2832. SEC. 25. The office of Controller shall be open for the transaction of business from ten o'clock A. M. till four o'clock P. M. of every day of the year, Sundays and public holidays excepted.

An Act to provide for the appointment of a Deputy State Controller, and to fix his compensation.

[Approved February 21, 1865, p. 164.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Controller authorized to appoint Deputy.

2833. SECTION 1. The Controller of State is hereby authorized to appoint a deputy, who shall have power, in the absence of the Controller, to do all acts devolving upon, and now necessary to be performed by the Controller, except the signing of State warrants and bonds.

Compensation of.

2834. SEC. 2. The Deputy Controller of State, appointed under section one of this Act, shall receive for his compensation the sum of two hundred and fifty dollars per month, payable monthly, out of any moneys not otherwise appropriated; and the Controller of State is hereby authorized and required to draw his warrant monthly in favor of the person whom he may appoint his deputy, in the sum hereinbefore specified.

An Act authorizing the canceling of old unpaid warrants.

[Approved March 7, 1873, p. 179.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2835. SECTION 1. After the expiration of three years from the date of issuance by the State Controller, all warrants that have been, or may hereafter be issued, if not presented to and paid by the Treasurer on or before the expiration of three years from the issuance thereof, whether outstanding or remaining in the office of the Controller, uncalled for, shall become void; *provided, however,* that the person or persons in whose favor such warrant or warrants may have been drawn shall be permitted to renew his, her, or their claim against the State to the amount of such warrant or warrants canceled, by the presentation of the same to any succeeding Legislature, to be acted upon in the same manner as deficiency claims. **Unpaid warrants, canceled when.**

2836. SEC. 2. The State Controller is hereby authorized and directed to cancel and file as vouchers all such warrants as he may find remaining in his office uncalled for. He shall, at the time of canceling such warrants, make a note to that effect upon the margin of his warrant register, opposite where such warrant or warrants are registered; and warrants that are still outstanding, and which become void under this Act, he shall note the same upon the margin of his warrant register as above, giving the date such warrant or warrants become void. He shall, at the time that such warrants become void, certify the same to the State Treasurer, who shall thereupon make similar notes upon the margin of his warrant register, and he shall thereafter refuse to pay such warrants if presented. **Canceled warrants to be filed, and certified to Treasurer.**

2837. SEC. 3. Whenever the Controller shall certify to the Treasurer, as directed in section two of this Act, he shall at the same time direct the Treasurer to transfer from the Fund or Funds upon which such warrant or warrants were drawn to the General Fund an amount equivalent to such warrant or warrants, as the case may be; and whenever said person or persons in favor of whom such warrant or warrants were drawn shall renew his, her, or their claim against the State, the same shall be paid out of the General Fund. **Treasurer to transfer funds.** **Renewed claims, how paid.**

CHAPTER LXXIII.

OF THE DUTIES OF STATE TREASURER.

SECTION 2838. Office to be kept at seat of government.
2839. Commission and qualification.
2840. Official seal.
2841. To receive and disburse public moneys.
2842. Annual report.
2843. Books, etc., to be open to inspection; report to Controller.
2844. Prohibited from using moneys.
2845. Willful neglect of duty deemed a misdemeanor.
2846. Vacancy, how filled.
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SUPPLEMENTARY ACT.

2849. Treasurer's duty in paying warrants.
2850. Liability to damages on failure to pay when money in the treasury.
2851. Public moneys, how kept; Treasurer not to use same.

DEPUTY AND HIS COMPENSATION.

2852. Treasurer authorized to employ deputy.
2853. Compensation of.

An Act defining the duties of State Treasurer.

[Approved February 2, 1866, p. 57.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Office to be kept at seat of government. 2838. SECTION 1. The Treasurer shall keep his office at the seat of government, and not absent himself from the State for more than ninety days at any one time, without leave of absence from the Legislature. [As amended March 13, Stats. 1867, p. 113.]

Commission and qualification. 2839. SEC. 2. He shall be commissioned by the Governor; but before such commission shall issue, and before entering upon the duties of his office, he shall take the oath of office prescribed by law, to be indorsed upon his commission, and shall execute and deliver to the Governor a bond, payable to the State, in the sum of one hundred thousand dollars, with sureties, to be approved by the Board of Examiners, conditioned for the faithful performance of all the duties which may be required of him by law, and for the delivery to his successor in office of all books, papers, moneys, vouchers, sureties, evidences of debt, and effects belonging to his said office.

Official seal 2840. SEC. 3. The Secretary of State shall procure and deliver to the Treasurer a seal of office, with some suitable device, and having engraved around the margin thereof the words, "Office of the Treasurer—Nevada;" a description of which seal shall be retained in the office of the Secretary of State as a record. Said seal shall be used to authenticate all writings, papers, and documents certified from such office. Until such seal is procured, the Treasurer is authorized to use his own private seal.

2841. SEC. 4. He shall receive and keep all moneys of the State not expressly required by law to be received and kept by some other person; shall receipt to the Controller for all moneys received, from whatever source, and at the time of receiving the same; shall disburse the public moneys upon warrants drawn upon the Treasurer by the Controller of State, and not otherwise. Such warrants shall be registered, and paid in the order of their registry. He shall keep a just, true, and comprehensive account of all moneys received and disbursed, and shall deliver to his successor in office all moneys, records, books, papers, and other things belonging to his office, in good order; and keep his office open, for the transaction of business, from ten o'clock A. M. until four o'clock P. M., of every day of the year, Sundays and other non-judicial days excepted. To receive and disburse public moneys.

2842. SEC. 5. He shall deliver to the Governor, on the first day of January, or within ten days thereafter, annually, a full exhibit of all moneys received by him into and paid out of the treasury, showing, under separate and appropriate heads, on what account and from what sources received, and for what particular object or service the same has been paid out by him; and shall give information, in writing, to either house of the Legislature, whenever required, upon any subject connected with the treasury, or any duty of his office. Annual report.

2843. SEC. 6. The books, papers, and transactions of his office shall be open at all times for the inspection of the Governor, Controller, Board of Examiners, of either house of the Legislature, or of any committee thereof, or person authorized by law. He shall report to the Controller of State, on or before the tenth of each month, the complete operations of the treasury for the preceding month, specifying the amount received and from what sources; the amounts expended in the redemption of bonds, warrants, coupons for interest, etc., and the balance of cash on hand in the treasury to the credit of the various Funds. For any failure (except it be unavoidable) to comply with the provisions of this section, the Treasurer shall forfeit his office, and it shall be the duty of the Governor to declare the same vacant, and appoint a successor. [As amended March 7, Stats. 1873, p. 175.] Books, etc., to be open to inspection. Report to Controller.

2844. SEC. 7. The Treasurer is hereby made responsible, upon his official bond, for all moneys received by him belonging to the State, and is hereby prohibited from using, or loaning, or borrowing the same, for any purpose whatever, except as provided by law. Prohibited from using moneys.

2845. SEC. 8. If the Treasurer shall willfully neglect or refuse to perform any duty enjoined by law, or, by color of his office, shall knowingly do any act not authorized by law, or in any other manner than is authorized by law, he shall be deemed guilty of misdemeanor in office. Willful neglect of duty deemed a misdemeanor.

Vacancy, how filled.

2846. SEC. 9. In case of the death, impeachment, absence, or disability of the Treasurer, the Governor shall make an appointment of some suitable person to perform the duties of the office until a successor shall be elected and qualified, or until such absence or disability shall cease; and such person shall take the oath of office and execute the bond required of the Treasurer, and shall receive the same compensation as is allowed by law to the Treasurer, in proportion to the time he shall be engaged in such service.

May administer oaths.

2847. SEC. 10. The Treasurer shall have power to administer all oaths or affirmations required or allowed by law, in matters touching the duties of his office, and shall perform all duties, not enumerated in this Act, which may be enjoined by law.

Compensation.

2848. SEC. 11. The compensation of the Treasurer shall be thirty-six hundred dollars per annum.

An Act supplementary to an Act entitled "An Act defining the duties of the State Treasurer," approved February second, eighteen hundred and sixty-six.

[Approved March 1, 1869, p. 101.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Treasurer's duty in paying warrants.

2849. SECTION 1. The State Treasurer shall pay all warrants drawn upon him by the State Controller, out of the proper Fund, as directed in the order in which the same are presented. If there be no money to pay any warrant when presented, the State Treasurer shall indorse thereon the words "not paid for want of funds," and shall note the date of presentation, and attest the indorsement made by his official signature. He shall at the same time make an entry of the date of presentation, number, and amount of the warrant in the register required by law to be kept by him. So soon as money accumulates or is received into the State Treasury, applicable to and sufficient for the payment of any outstanding warrant or warrants so presented for payment and not paid for want of funds, the State Treasurer shall post a notice in writing in a conspicuous place in his office, setting forth the number and amount of his warrant or warrants, and the fact that there is money in the State Treasury to pay the same. From the time of the posting of such notice no interest shall be allowed or paid upon any warrant which by law is or may be entitled to bear interest.

Liability to damages on failure to pay when money in the treasury.

2850. SEC. 2. Any failure, neglect, or refusal on the part of the State Treasurer to pay any warrant when presented, there being money in the State Treasury to pay the same, or to post the notice within five days, as required in this Act, after there shall have been received into the State Treasury money applicable and sufficient to pay any warrant or warrants presented and not paid for want of funds, or after having received the money and posted the notice as aforesaid on presentation for payment, to pay the warrants so posted, shall subject him to damages to the person or persons aggrieved to an amount equal to treble interest on the sum specified in the warrant or warrants not paid on presentation as provided in this section, such interest being computed at the rate of three per cent per month during the time such warrant or warrants remain unpaid, and in any suit brought to recover the same, judgment shall be rendered to cover the damages at the time of the entry thereof, and for costs.

Public moneys, how kept.

2851. SEC. 3. The State Treasurer shall securely keep in the safe and vault provided for him for that purpose, in his office at the seat of government, all the public moneys, bonds, and securities of the State appertaining to his office, and shall not deposit any part or portion of the same with any individual, copartnership, or corporation; nor shall he use said money, or any part thereof, or allow any one else to do so, except in the payment of bonds, or coupons, or warrants properly drawn upon him by the State Controller. [As amended March 7, Stats. 1873, p. 171.]

Treasurer not to use same.

An Act to amend an Act entitled "An Act to authorize the State Treasurer to employ a clerk, and fixing his compensation," approved March ninth, eighteen hundred and sixty-five.

[Approved March 1, 1866, p. 184.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Treasurer authorized to employ deputy.

2852. SECTION 1. The State Treasurer is hereby authorized to employ a deputy, whose compensation shall be two hundred and fifty dollars per month. [As amended February 17, Stats. 1873, p. 59.]

Compensation of.

2853. SEC. 2. The Controller of State shall, at the end of each month, draw his warrant upon the State Treasury in favor of such deputy for the amount of his compensation then due, and the State Treasurer shall pay the same out of any moneys in the State Treasury not otherwise specially appropriated. [As amended, Stats. 1873, p. 59.]

CHAPTER LXXIV.

OF THE ANNUAL REPORTS OF CONTROLLER AND STATE TREASURER.

SECTION 2854. Reports of Controller and Treasurer to be printed.
2855. Reports to be distributed; number to be reserved.
2856. Distribution of Reports.

An Act to provide for printing the annual reports of the State Treasurer and State Controller.

[Approved March 7, 1873, p. 175.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Reports of Controller and Treasurer to be printed.

2854. SECTION 1. The State Treasurer and State Controller shall transmit to the State Printer the copy of their annual reports, now authorized by law, as soon as prepared after the close of each fiscal year, and the State Printer shall print, in pamphlet form, twelve hundred copies of the same.

Reports to be distributed

Number to be reserved.

2855. SEC. 2. The reports for the years that the Legislature is in session shall be distributed by the Treasurer and Controller to the several State and county officers and to the members of the Legislature, reserving enough for the use of the next ensuing Legislature and to exchange with the officers of other States and Territories.

Distribution of Reports.

2856. SEC. 3. The reports for the years preceding that in which the Legislature convenes shall be distributed as follows: three hundred copies of their several reports to the Treasurer and Controller; fifty copies of each report to be deposited in the State Library; three hundred copies of each report for the use of the members of the Senate, and five hundred and fifty copies of each report for the use of the members of the Assembly.

CHAPTER LXXV.

OF THE BOARD OF EXAMINERS, THEIR DUTIES AND POWERS.

SECTION 2857. Duty of Board of Examiners in relation to treasury; proviso.
2858. Board to file affidavit and publish.
2859. Controller and Treasurer required to permit examination.
2860. Duty of Board when no appropriation has been made to pay claim.
2861. Duty where appropriation has been made; when Controller not to draw warrant.
2862. Repeal.
2863. Chairman to issue process.
2864. Rules.
2865. Penalty for perjury.
2866. Semi-monthly sessions.
2867. Quorum.

An Act relating to the Board of Examiners, to define their duties and powers, and to impose certain duties on the Controller and Treasurer.

[Approved February 7, 1865, p. 135.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2857. SECTION 1. It shall be the duty of the Board of Examiners, consisting of the Governor, Secretary of State, and Attorney General, as often as it may be deemed proper, to examine the books of the Controller and Treasurer, the accounts and vouchers in their office, and to count the money in the treasury; and for the purpose of discharging the duties imposed on it by this Act, the said Board is authorized to demand, and the Controller and Treasurer are hereby required to furnish the said Board, without delay, such information as it may demand, touching the books, papers, vouchers, or matters pertaining to or cognizable in their offices respectively; *provided*, that the counting of the moneys in the treasury shall take place at least once a month, without the said Board giving the Treasurer any previous notice of the hour or day of the said counting. **Duty of Board of Examiners in relation to treasury.** **Proviso.**

2858. SEC. 2. Said Board shall, at least once in each month, file an affidavit in the office of the Secretary of State, showing the actual amount of money in the treasury at their last counting prior thereto, and shall cause a copy of said affidavit to be published in one daily newspaper published at the capital; *provided*, that if no daily newspaper be published at the capital, then such affidavit to be published in such other daily newspaper as shall be designated by the Board. **Board to file affidavit and publish**

2859. SEC. 3. It shall be the duty of the Controller and Treasurer to permit the said Board of Examiners to examine the books and papers of their respective offices, and of the Treasurer to permit the money in the treasury to be counted whenever the said Board may wish to make said examination or counting, without delaying said examination or counting on any pretense whatever. **Controller and Treasurer required to permit examination.**

SEC. 4. [Repealed March 3, Stats. 1869, p. 116.]

2860. SEC. 5. It shall be the duty of the Board of Examiners to examine into all claims against the State, presented to them by petition, for which no appropriation has been made, and which require to be acted upon by the Legislature, and to take all evidence in regard to the same which may be offered by the claimant, or deemed proper by the Board. The evidence shall be reduced to writing, and, together with the petition, shall be transmitted to the Legislature on the first day of its next session, together with the opinions of the Board in reference to the merits of the same. [As amended March 3, Stats. 1869, p. 116.] (a) **Duty of Board when no appropriation has been made to pay claim.**

(a) FUNCTIONS OF BOARD OF EXAMINERS.—The institution of the Board of Examiners was not intended as a check on legislative extravagance, but to secure, as a prerequisite to legislative action, an examination of such claims as require such action upon them as claims—not creative action, but adoptive or rejective action.—State ex rel. Ash v. Parkinson, 5 Nev., p. 15.

CONSTITUTIONAL CLAUSE AS TO BOARD OF EXAMINERS—PAY OF LEGISLATORS.—The Legislative Fund Act of 1869 is not repugnant to the constitutional provision as to the Board of Examiners (Const., Art V, Sec. 21), nor do the claims therein provided for require action by such Boards.—Id.

CONCURRENCE OF EXAMINERS AND CONTROLLER.—So far as the examination of claims against the State is concerned, the Board of Examiners assist the Controller, acting concurrently; but they do not deprive him of his constitutional power, or any portion of it. Each moves in a designated sphere—all tending to the desired result: the protection of the revenues of the State.—Lewis v. Doran, 5 Nev., p. 399.

Duty where appropriation has been made.

2861. SEC. 6. All claims against the State for services or advances, for payment of which an appropriation has been made by law, and which have been by law authorized, but of which the amount has not been liquidated and fixed, may be presented to the Board of Examiners in the form of an account or petition, and in such manner as said Board shall prescribe by their rules, the claimant may present his evidence to sustain said demand, which evidence, if oral, shall be reduced to writing, and they shall either reject or allow the claim, in whole or in part, within thirty days from its presentation, and shall indorse upon the same, if allowed in whole or in part, over their signatures: "Approved for the sum of —— dollars," and shall immediately transmit the same so indorsed, together with all the evidence received by them relating thereto, to the Controller of State. The Controller shall not allow or draw his warrant for any claim of the class described in this section, which shall not have been approved by said Board, or a greater amount than allowed by said Board, except when said claim shall not have been acted upon by said Board within thirty days prior to its presentation. [As amended March 3, Stats. 1869, p. 116.]

When Controller not to draw warrant.

2862. SEC. 7. [Repealed.]

Chairman to issue process.

2863. SEC. 8. The Governor of this State (and the Secretary of State in his absence) shall act as Chairman of the Board of Examiners, and, as said Chairman, have power to issue subpœnas, and compel the attendance of witness before said Board, in the same manner that any Court in this State can compel the attendance of witness before it; and whenever, in the opinion of said Board, the testimony of any witness against a demand pending before them is material, it shall be the duty of said Chairman to cause the attendance of said witness before said Board to testify concerning said demand, and said Board are hereby authorized to make such witness a reasonable allowance for such attendance, not exceeding the fees of witnesses in civil cases, which shall be paid from the Contingent Fund allowed said Board, but in no instance shall an allowance be made in favor of a witness who testifies in behalf of a claimant.

2864. SEC. 9. The said Board shall have authority to establish rules and regulations for its government, not inconsistent with the provisions of this Act, and each member thereof is hereby authorized to administer an oath or affirmation to any person or persons concerning any matter before said Board, or intended to be brought before it, and each member of said Board is hereby authorized to take the deposition or depositions of any witness or witnesses, to be used before said Board in any matter pending before it. **Rules.**

2865 SEC. 10. If any person shall knowingly and willfully swear falsely before said Board, or any member thereof, in a matter pending before said Board, at the time of taking said oath, or in a matter to be submitted to said Board, such person shall be deemed guilty of perjury, and on conviction thereof shall be subjected to the same pains, penalties, and disabilities which are now, or shall be hereafter prescribed by law for willful and corrupt perjury. **Penalty for perjury.**

2866. SEC. 11. The Board shall hold sessions for the transaction of business at least twice in each month, and shall cause a record of their proceedings to be kept, and any member thereof may cause his dissent to the action of the majority upon a matter bought before it, to be entered upon said record. **Semi-monthly sessions.**

2867. SEC. 12. A majority of said Board shall constitute a quorum, and may as such discharge any of the duties specified in this Act. **Quorum.**

CHAPTER LXXVI.

OF THE STATE MINERALOGIST AND HIS DUTIES.

SECTION 2868. Office created.
2869. Election.
2870. To reside at seat of government.
2871. Salary, etc.
2872. Duties; to ascertain character of lands; report to authorities.
2873. Catalogue.
2874. To assay specimens of ores.
2875. Specimens catalogued to be deposited in museum.
2876. Power to engage services of employé.
2877. Report.
2878. Acts repealed.

An Act to create the office of State Mineralogist, and define the duties of such officer.

[Approved March 1, 1869, p. 97.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Office created. 2868. SECTION 1. The office of State Mineralogist is hereby created.

SEC. 2. [Obsolete.]

Election. 2869. SEC. 3. At the general election in eighteen hundred and seventy, and every four years thereafter, there shall be elected, by the qualified electors of the State of Nevada, a State Mineralogist, who shall qualify and enter upon the discharge of his official duties on the first Monday of January next succeeding his election; and who shall hold said office for four years thereafter, and until his successor shall have been elected and qualified.

To reside at seat of government. 2870. SEC. 4. He shall reside and keep his office at the seat of government of this State, except when absent on official duty within the State. He shall be commissioned by the Governor, and shall take and subscribe thereon the oath of office prescribed by the law.

Salary, etc. 2871. SEC. 5. He shall receive as salary the sum of three thousand six hundred dollars per annum, payable quarterly. All the necessary actual contingent expenses of his office, the expense of an appropriate outfit, and his necessary traveling expenses, shall be allowed by the Board of Examiners, and audited and paid as are other claims against the State.

Duties. 2872. SEC. 6. It shall be his duty to visit and examine, with reference to their mineral, agricultural, and other resources, the different portions of the State, and collect such mineralogical, geographical, and other valuable specimens, and also such information as is of scientific interest, or which may have a practical bearing upon the subject of mines and mining, agriculture, and other resources and industrial pursuits of the State. He shall visit the several mining districts in each county, ascertain and record their history, describe their prevailing geological formation and altitude, the characteristics of the mines, peculiarities of the ores, products, richness, and development; also, he shall ascertain the locality, probable quantity and character of all the arable, grazing, and timbered lands belonging to the United States within the bounds of Nevada, and from time to time report the same to the authorities having charge of the public lands belonging to the State, for their information; particularly recommending to them for selection such portions as are valuable, and desirable to be selected by this State, in satisfaction of lands granted by the United States to the State of Nevada.

To ascertain character of lands.

Report to authorities.

Catalogue 2873. SEC. 7. He shall collect, mark, and catalogue mineralogical and geological specimens, and carefully prepare a description of every such specimen, and of locality where each specimen was obtained.

2874. SEC. 8. He shall assay, or cause to be assayed, analyzed, and described, so far as practicable and deemed expedient, all specimens of ores, which, together with the statement of the locality from which the same was obtained, shall be printed and attached, or refer to the specimen. To assay specimens of ores.

2875. SEC. 9. All specimens properly catalogued shall be deposited in a museum, so soon as one shall have been prepared by the State, where they, together with the catalogue, shall be carefully kept, and shall at all seasonable times be subject to examination by any person, subject to the rules prescribed by the State Mineralogist. Until such time the same shall be kept in the office of the State Mineralogist. Specimens catalogued to be deposited in museum.

2876. SEC. 10. He shall have the power, and he is hereby authorized to engage the services of one employé, at such times as he may think necessary, fix the wages and time of service of said employé, and certify the amount to the Board of Examiners, who shall audit the same. Power to engage services of employé.

2877. SEC. 11. He shall, on or before the second Monday in January, eighteen hundred and seventy-one, report to the Legislature in detail all acts performed and information obtained under the provisions of this Act. Report.

2878. SEC. 12. An Act entitled "An Act to provide for establishing and maintaining a mining-school, and to create the office of State Mineralogist," approved March ninth, eighteen hundred and sixty-six, and all Acts and parts of Acts in conflict herewith, are hereby repealed. [Stats. 1866, p. 206.] Acts repealed.

CHAPTER LXXVII.

OF THE OFFICE OF SURVEYOR GENERAL.

SECTION 2879. Power to appoint deputy.
2880. To make surveys.
2881. To make accurate map of the State; what to describe on map; to run boundary line between counties.
2882. To preserve and deliver books, etc., to successor.
2883. To be Chief Engineer and Commissioner of Internal Improvements, etc.; report.
2884. To obtain quarterly reports from County Surveyors and Assessors, etc.; County Surveyors.
2885. Duty of railroad and toll road companies.
2886. Appropriation for expenditure.

An Act concerning the office of Surveyor General.

[Approved March 20, 1865, p. 411.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2879. SECTION 1. The Surveyor General shall have power

Power to appoint deputy.

to appoint a deputy or deputies when necessary, who shall take and subscribe the official oath; and the survey of any deputy shall be equally valid as if made by the Surveyor General.

To make surveys.

2880. SEC. 2. When required by law, the Surveyor General shall make an accurate and complete survey, by astronomical observations and linear surveys, of the boundaries of the State, as declared by the Constitution, or as may hereafter be determined by the Congress of the United States, or the people of this State.

To make accurate map of the State.

2881. SEC. 3. When required by law, he shall make an accurate map of the State, and shall survey, and, when necessary, designate by plain, visible marks or monuments, and shall describe on the map of the State the boundary lines of the several counties and incorporated cities and towns in the State; and when a boundary line of the State, or of any county, intersects with, or passes in the immediate vicinity of any lake, stream, range of hills or mountains, or other conspicuous object on the surface of the earth, he shall, by the proper observation, determine the place of such intersection, or the distance and bearing from said boundary line of such point of such object as may be nearest to said boundary line, and will best serve as a distinguishing landmark. He shall also determine and describe on the map of the State the length and course of every important stream and lake, and of every important range of hills or mountains, and the greatest elevation or highest peak thereof, within the limits of any county; when called upon by the County Commissioners of any county, he shall run any boundary line, or portion of a line, between such county and an adjoining county.

What to describe on map.

To run boundary line between counties.

To preserve and deliver books, etc., to successor

2882. SEC. 4. The Surveyor General shall preserve in his office, and deliver to his successor, all books, maps, plans, drawings, levels, surveys, and field notes, in any way pertaining to his official duties, and shall deliver as aforesaid all instruments and other things belonging to his office.

To be Chief Engineer and Commissioner of Internal Improvements, etc.

2883. SEC. 5. The Surveyor General shall be Chief Engineer and Commissioner of Internal Improvements. He shall deliver to the Governor annually, on or before the fifteenth day of December, his report, which shall contain: First—An accurate statement of the progress he may have made in the execution of the surveys enjoined on him by law, and in the preparation of the map of the State. Second—Plans and suggestions for the construction and improvement of roads, turnpikes, railroads, canals, and aqueducts; also, plans and suggestions for the preservation and increase of forests and timber trees, for the draining of marshes, prevention of overflows, and the irrigation of arable lands by means of reservoirs, canals, artesian wells, or otherwise. Third—An estimate of the aggregate quantity of land belonging to the State, and the best information he may be able to obtain as to the characteristics of the same. Fourth—An estimate of the aggregate quality of all lands used for or adapted to tillage and grazing within this State, and each county of the State, together with a description of the locations in which the same may be situated. Fifth—An estimate of the aggregate number of horses, cattle, sheep, and swine within the State, and each county of the State. Sixth—

Report.

An estimate of the aggregate quantity of wheat, rye, maize, potatoes, grapes, and other agricultural productions of the preceding year. Seventh—An estimate of the aggregate quantity of all mineral lands in the State, and the quantity and value of each mineral produced during the preceding year, together with a description of the localities in which such minerals may be found. Eighth—All facts which may be within his personal knowledge, or which he may learn from reliable sources, and which may, in his opinion, be calculated to promote the full development of the resources of the State. Same.

2884. SEC. 6. He shall address a circular letter to the County Surveyors and County Assessors, instructing them, and it is hereby made a part of their official duties, to use their utmost diligence in collecting information relative to each and every matter mentioned in section five of this Act, and to transmit to him quarterly, at the seat of government, a report, in writing, setting forth the result of their inquiries; and it is hereby made the duty of the County Commissioners to refuse to audit or pay any bills for services of the County Surveyor or County Assessor, in case they shall have failed to comply with the requirements of this Act. It shall also be the duty of the County Surveyors to transmit, when required, to the Surveyor General, a copy of the field notes and plats of official surveys made by them (except surveys of city or town lots), expressing the bearings from the true meridian, and noting the variations of the magnet from the true meridian, and indicating plainly upon the plat at what point of any river, stream, or county line, or any line of the United States surveys, or any road, canal, or railroad, may be touched or crossed; also, indicating the position of any mountain or other prominent landmark within or near the lines of the surveys. To obtain quarterly reports from County Surveyors and Assessors, etc. County Surveyors.

2885. SEC. 7. It shall be the duty of all railroad and toll road companies to file in the office of the Surveyor General complete topographical maps of the roads and the country through which their roads may run. Duty of railroad and toll road companies.

2886. SEC. 8. He shall perform all such other and further duties as may be prescribed to him by law, and appropriations may be made from time to time for the necessary expenditures of his office. Appropriation for expenditure.

CHAPTER LXXVIII.

OF THE BOARD OF REGENTS, THEIR ELECTION, TERM OF OFFICE, AND DUTIES.

SECTION 2887. Board of Regents, election of; vacancy, how filled; term of office.
2888. Organization of Board; election fixed by resolution.
2889. Duties; oath of office, and meeting of Board.
2890. Not to be interested in contract; misdemeanor for.
2891. Board, when organized, to succeed old Board.

AGENTS AT WASHINGTON.

SECTION 2892. Regents to appoint agents; duties of; salary.
2893. Acts repealed.

An Act to provide for the election of the Board of Regents, to fix their term of office, and prescribe their duties.

[Approved March 5, 1869, p. 134.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Board of Regents, election of. 2887. SECTION 1. The Board of Regents shall consist of three qualified electors of this State. They shall be elected by the Legislature in joint convention on the third Tuesday of the session, and shall hold their office for a term of four years, and until their successors are elected and qualified; *provided*, all vacancies occurring between sessions shall be filled by appointment of the Governor, and the person so appointed shall hold his office until the next session of the Legislature, when the vacancy shall be filled by election. The person so appointed or elected to fill a vacancy shall only fill the unexpired term of the person whose office was made vacant.

Vacancy, how filled.

Term of office.

Organization of Board. 2888. SEC. 2. They shall organize by electing one of their number President, and shall elect a Secretary, who may or may not be a member of the Board. All its proceedings shall be attested by the signatures of the President and Secretary. If for any cause the election be not held on the day prescribed in this Act, the same may be held on any other day fixed by concurrent resolution.

Election fixed by resolution.

Duties. 2889. SEC. 3. The Board of Regents elected under the provisions of this Act shall manage and control all funds accruing or belonging to "The State University Fund," and also the affairs of the State University, whenever the erection thereof shall have been authorized by law. They shall also perform such other duties as may be prescribed by law. Before entering upon their duties they shall take and subscribe the official oath, and file the same in the office of the Secretary of State. They shall hold stated meetings at least once in three months, in such place as may be provided for their use by the Secretary of State. They shall receive no compensation for their services; but their actual expenses incurred in the performance of their duties, duly certified by them, shall be examined, and, so far as found correct, allowed to them by the Board of Examiners.

Oath of office, and meeting of Board.

Not to be interested in contract. 2890. SEC. 4. No member of said Board shall be interested, directly or indirectly, as principal, copartner, agent, or otherwise, in any contract or expenditure created by the Board, or in the profits or results thereof. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding five thousand dollars, to which may be added imprisonment in the County Jail for a period not exceeding six months.

Misdemeanor for.

2891. SEC. 5. The Board of Regents to be elected under the provisions of this Act, is hereby made, so soon as organized, the successors of the present acting Board of Regents. All books, papers, documents, and property now under the control of, or in the possession of the present Board, shall be duly transferred and placed in the possession, care, and keeping of the Board, when elected and organized as provided herein. **Board, when organized, to succeed old Board.**

An Act providing for the appointment and payment of an agent or agents, at Washington, D. C., for attending to the certification of lands granted by Congress to the State of Nevada.

[Approved March 3, 1873, p. 114.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2892. SECTION 1. The Board of Regents are hereby authorized and required to appoint an agent or agents, who shall be duly authorized to represent the State of Nevada, before the General Land Office and Department of the Interior, at Washington, D. C.; and whose duty it shall be to attend to the certification of lands selected in satisfaction of the grants made by Congress to said State, and to represent said State in all matters growing out of the adjustment and settlement of said grants. The said Board of Regents shall fix the compensation of the said agent or agents, at a sum not exceeding one thousand five hundred dollars per annum; and the amount so fixed shall be paid annually out of any moneys in the State Treasury not otherwise appropriated, upon bills to be certified and approved by the Board of Examiners; in payment of which the Controller of State shall draw his warrant upon the Treasurer of State. And the sum of three thousand dollars is hereby appropriated for the aforesaid purpose. **Regents to appoint agents.** **Duties of.** **Salary.**

2893. SEC. 2. An Act entitled "An Act supplementary to an Act entitled 'An Act to provide for the selection and sale of the lands granted by the United States to the State of Nevada, approved April second, eighteen hundred and sixty-seven,' and providing for the payment of the claim of Britton and Gray," approved February twentieth, eighteen hundred and seventy-one, is hereby repealed. **Acts repealed.**

CHAPTER LXXIX.

OF THE STATE PRINTER, HIS ELECTION, DUTIES, AND COMPENSATION.

SECTION 2894. Office created.
2895. State Printer, election of; laws applicable to.

SECTION 2896. Certificate of election; commissioned, by whom; when to qualify; bond.
2897. When to enter on duties.
2898. What he shall print.
2899. Number of documents to be printed.
2900. Copies of laws, etc., to be furnished; when to be printed; index to be made.
2901. Copies of journals, when furnished; proof sheets; index; journals, when to be delivered; compensation of Secretary of State.
2902. Number of laws, etc., to be printed.
2903. How printing to be performed; marginal notes; rule and figure work; bills; blanks; laws, how printed; journals, yeas and nays.
2904. Folding and stitching.
2905. Compensation; composition; rule work; rule and figure work; press work; advertising; binding; forms and blanks.
2906. Board of Printing Commissioners created; compensation exempt from Act in relation to Board of Examiners.
2907. Price of laws furnished citizens.
2908. Controller to draw warrant.
2909. When and what printing to be done at capital.

An Act to create the office of State Printer, define the duties and compensation thereof, and provide for the time and manner of election.

[Approved January 10, 1865, p. 90.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Office created.

2894. SECTION 1. There shall be elected at the general election, to be held in the year eighteen hundred and seventy-four, and every four years thereafter, by the qualified electors of the State of Nevada, a State Printer, who shall hold his office for four years, and until his successor shall have been elected and qualified; and all laws and parts of laws, applicable to the election and commission of other State officers, together with the proclamation of the Governor, shall be applicable to the election of the said State Printer, as nearly as the same can be done in accordance with the Constitution and the laws of the State of Nevada. [As amended, Stats. 1873, p. 52.]

2895. SEC. 2. Section two of said Act is hereby repealed.

Certificate of election. Commissioned, by whom. When to qualify. Bond.

2896. SEC. 3. The person receiving the commission, or certificate of election, to the office of State Printer, from the Governor, shall, within ten days thereafter, take the oath of office, and give a bond to the State, with two or more sureties, in the sum of ten thousand dollars, to be approved by the Governor, Controller, and Treasurer of State, for the faithful performance of his duties under this Act. Said oath and bond to be filed in the office of the Secretary of State without delay. [As amended, Stats. 1873, p. 52.]

When to enter on duties.

2897. SEC. 4. The State Printer elected at this session of the Legislature, shall enter upon the duties of his office within ten days after his election. The State Printer elected by the qualified electors of the State shall enter upon the duties of his office upon the Tuesday after the first Monday in January succeeding his election.

2898. SEC. 5. The State Printer shall print the laws, together with the Constitution of the State of Nevada; also the journals of the Legislature, and all public documents ordered to be printed by the Legislature, and blanks for the Supreme Court; and all forms and blanks that may be required to supply the offices of the Governor, Secretary of State, Controller, Treasurer of State, Superintendent of Public Instruction, Attorney General, Adjutant General, Surveyor General, and shall also print the bills, resolutions, and other job printing which may be ordered by either house of the Legislature; and shall publish, in a daily or weekly newspaper, all proclamations, orders, notices, and advertisements of the State officers above enumerated, that now or hereafter may be required to be published by law, such as the said officers may consider to be for the public interest of the State; and shall do all other printing for the State, unless otherwise expressly ordered by law. [As amended January 26, Stats. 1866, p. 49.] What he shall print.

2899. SEC. 6. Whenever any message, report, or other document, in book form, is ordered printed by either house, three hundred copies, in addition to the number ordered, shall be struck off, and be retained in sheets by the Printer, to be bound with the journals of the house ordering, as an appendix. Whenever any bill is ordered printed, one hundred copies shall be deemed the number ordered, unless the house ordering the same specially order a different number. [As amended January 26, Stats. 1866, p. 49.] Number of documents to be printed.

2900. SEC. 7. The Secretary of State shall furnish to the State Printer, within twenty days after the adjournment of the Legislature, a copy of all Acts, joint and concurrent resolutions, and memorials, with marginal notes to the same, passed at such session; and the State Printer shall, within sixty days after such copy shall be furnished to him as aforesaid, print the number of copies as herein provided, and furnish proof sheets thereof to the Secretary of State, who, within fifteen days thereafter, shall make out and deliver to the State Printer an index of the same, who shall, within sixty days thereafter, print the said index and bind in connection with the laws, in such manner as is hereinafter provided. Copies of laws, etc., to be furnished. When to be printed. Index to be made.

2901. SEC. 8. The Secretary of State shall, within sixty days after the adjournment of each session of the Legislature, furnish to the State Printer full copies of the journals of both houses. The State Printer shall, within sixty days thereafter, print the same, and deliver proof sheets, for correction, to the Secretary of State; and whenever corrected proof will complete a form, shall deliver the same, in form, to the Secretary of State, for indexing, who shall, within ten days thereafter, make out and deliver to the State Printer an index to each journal; and the said State Printer shall, within thirty days thereafter, print and deliver to the Secretary of State such number of copies of the journals aforesaid, bound in volumes, with the appropriate index thereto, as herein provided; *provided*, that none of Copies of journals, when furnished. Proof sheets. Index. Journals, when to be delivered.

Compensation of Secretary of State. the provisions of this section shall apply to the journals of the Assembly for the present session; but, so far as said journals are concerned, section eight of the Act of which this is amendatory, shall remain in full force and effect; *and, further provided,* that the Secretary of State shall be allowed a compensation not to exceed the sum of one hundred and eighty dollars for copying the journals of the Senate for the present session, and a sum not to exceed five hundred and forty dollars for copying the journals of both houses for any subsequent session. [As amended January 26, Stats. 1866, p. 50.]

Number of laws, etc., to be printed. 2902. SEC. 9. There shall be printed, of the laws, resolutions, and memorials of each session of the Legislature, six hundred copies; of the journals of the Senate and Assembly there shall be printed three hundred copies each, in one or in two volumes, as may be required by the size thereof, and as the Secretary of State may direct. [As amended January 26, Stats. 1866, p. 50.]

How printing to be performed. 2903. SEC. 10. The printing to be performed under this Act by the State Printer shall be as follows, to wit: The laws, journals, messages, and other documents in book form, shall be printed "solid," in long primer type, on good white paper; each page, except the laws, shall be thirty-three "ems" wide and fifty-eight "ems" long, including title, blank line under it, and foot line; the laws to be the same length as the journals, and twenty-nine "ems" wide, exclusive of marginal notes, which notes shall be printed in nonpareil type, and be seven "ems" wide; figure work, and rule and figure work, in messages, reports, and other documents, in book form, shall be on pages corresponding in size with the journals, providing it can be brought in by using type not smaller than minion, and whenever such work cannot be brought into pages of the proper size by using type not smaller than minion, it shall be executed in a form to fold and bind with the volume it is intended to accompany; bills, and other work of a similar character, shall be printed with long primer type, on white, plain cap paper, commencing the heading one fourth of the length of the sheet from its top, and when said printing does not occupy more than two pages of such sheet, or less, the same shall be printed upon half-sheets, and the State Printer shall only charge for the same, and in like ratio for a greater amount, and be forty-six "ems" wide and seventy-three "ems" long, including running head, blank line under it, and foot line, and between each printed line there shall be a white line corresponding with four lines of the body of the type, and each printed line shall be numbered; blanks shall be printed in such form, and on such paper, and with such sized type as the officers ordering them may direct. The laws shall be printed without chapter headings, and with no blank lines, with the exception of one head line, one foot line, two lines between the last section of an Act and the title of the next Act; *provided,* that when there shall not be space enough between the last section of an Act to print the title and enacting clause and one line of the following Act upon the same page, such title may be printed on the following page. The journals shall be printed with no blank lines, with the exception of one head line, one foot line, and ten lines between the

Marginal notes.

Rule and figure work

Bills.

Blanks.

Laws, how printed.

Journals, yeas and nays.

journal of one day and that of the following day. In printing the "yeas" and "nays," the word "yeas" shall be run in with the names, and the word "nays" shall be run in with the names.

Folding and stitching.

2904. SEC. 11. Folding shall also be allowed and charged on any bill or document, and no bill or document not exceeding four pages shall be stitched. When stitching and folding is required on bills or documents ordered by either house, one sixteenth of one cent per page shall be allowed for such folding and stitching; *provided*, that no folding or stitching shall be allowed on the laws or journals.

Compensation.

Composition.

Rule work.

Rule and figure work

Press work.

Advertising.

Binding.

Forms and blanks.

2905. SEC. 12. For all work executed and material furnished under this Act by the State Printer, he shall be allowed as follows, which allowance shall include all the charges he shall make for the work, well executed, and delivered in good order at the seat of government, excepting only the cost of paper, as herein provided, which shall be furnished to him by the Secretary of State, and an appropriation made by the Legislature therefor: For composition, per one thousand "ems," one dollar and sixty cents; figure work, per one thousand "ems," two dollars; rule work, per one thousand "ems," two dollars and fifteen cents; rule and figure work, per one thousand "ems," two dollars and twenty-five cents. Press-work, per token of two hundred and forty impressions, one dollar and fifty cents. For all proclamations, orders, notices, and advertisements, authorized by section five of this Act to be published in the State papers, he shall be allowed one dollar per square of three hundred "ems" for composition and the first insertion, and fifty cents for each subsequent insertion, but no charge shall be made for a greater number of such subsequent insertions than may be ordered or directed by law, or by the Governor of the State. For binding the laws of each session, in full binding, and lettering the same, two dollars per volume; for binding the journals of the Senate and Assembly, in half binding, leather backs and corners, in junk board, marbled, and lettering the same, one dollar and seventy-five cents per volume. *Provided*, no charge shall be made or allowed for composition for blank pages under the provisions of this Act. For all forms and blanks, properly printed and delivered, the following rates shall be charged and received: For all commissions, not to exceed twenty dollars per thousand; for all receipts, Controller's orders on the treasury, franks for books and documents, licenses, letter headings, and all other forms and blanks not otherwise provided for in this section, not to exceed seven dollars per thousand.

Board of Printing Commissioners created.

Compensation exempt from Act in relation to Board of Examiners

2906. SEC. 13. A Board of Commissioners is hereby created, consisting of the Controller, Secretary of State, and one expert in printing, to be selected by the Controller and Secretary of State, whose duty it shall be from time to time, as may be required, to examine and measure the work done by the State Printer, and no claim or account of the State Printer shall be audited unless first passed upon by the said Board of Commissioners, and the said expert shall be allowed a per diem not exceeding eight dollars, to be determined by the Controller and Secretary of State; and the compensation of said State Printer and expert shall be exempt from the provisions of an Act entitled "An Act relating to the Board of Examiners, defining their duties and powers, and to impose certain duties on the Controller and Treasurer," approved February seventh, eighteen hundred and sixty-five. [As amended February 27, Stats. 1869, p. 90.]

Price of laws furnished citizens.

2907. SEC. 14. The State Printer shall furnish to all citizens who may apply therefor a copy of the laws of each session of the Legislature at a price not exceeding five dollars.

Controller to draw warrant.

2908. SEC. 15. The Controller of State is hereby authorized and required, from time to time, to draw his warrants on the Treasurer of State for such sums as may be due the State Printer under this Act, payable out of any moneys not otherwise appropriated by law.

When and what printing to be done at capital.

2909. SEC. 16. The printing for the Legislature during its session shall be done at the capital.

CHAPTER LXXX.

OF THE GOVERNOR'S PRIVATE SECRETARY.

SECTION 2910. Private Secretary.
2911. Compensation.
2912. Fees to be paid into Library Fund; proviso.

An Act authorizing the Governor of the State to appoint a Private Secretary, defining his duties, and fixing his compensation.

[Approved March 10, 1865, p. 354.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Private Secretary.

2910. SECTION 1. The Governor of the State is hereby authorized to appoint a Private Secretary, who shall perform such services as may be required of him by the Governor, and as authorized by law. He shall hold his office at the pleasure of the Governor.

Compensation.

2911. SEC. 2. The compensation of the Governor's Private Secretary, shall be at the rate of two hundred dollars per month, during the time of his service; *provided*, that the Governor's present Private Secretary shall be entitled to pay from the time of his appointment and entering upon the duties of his office. Such compensation shall be paid monthly, at the end of each and every month; and the State Controller is hereby authorized and directed to draw his warrant on the State Treasurer for the amount of such compensation, as the same becomes due, and the Treasurer shall pay the same out of any moneys in the State Treasury not otherwise specially appropriated.

2912. SEC. 3. The Governor's Private Secretary shall demand and collect all fees which by law he is authorized to do, for any service in connection with his office, and at the end of each and every month shall pay the same into the State Treasury, for the use of the State Library Fund, taking the Treasurer's receipt therefor, which he shall file with the State Controller. Before the Controller shall draw his warrant in favor of such Private Secretary, he shall require such Private Secretary to file his written statement, under oath, that he has paid over to the Treasurer all fees collected by him for services as herein provided for; *provided*, that no warrant shall be issued to the present Private Secretary until he shall have paid over to the State Treasurer the amount of fees already collected by him in the performance of his duties as such Private Secretary, and shall have certified the fact thereof to the Controller in the manner above specified. Fees to be paid into Library Fund. Proviso.

CHAPTER LXXXI.

OF DUPLICATE REPORTS OF STATE OFFICERS.

SECTION 2913. Duplicate copies of reports to be prepared, etc.
2914. Compensation for preparing copies.

An Act requiring State officers to prepare and transmit to the Legislature duplicates of all reports intended for publication.

[Approved February 17, 1871, p. 61.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2913. SECTION 1. It is hereby made the duty of all State officers who are now required by law to make either annual or biennial reports, to prepare and transmit the same, plainly written, duplicate copies of said reports, for the use and benefit of the State Printer. Duplicate copies of reports to be prepared, etc.

2914. SEC. 2. Each State officer shall be allowed fifteen cents per folio of one hundred words, as a compensation for preparing a duplicate of his report, as provided for in this Act; and all moneys due for said work shall be drawn in equal proportions from the Contingent Funds of the Senate and Assembly, by resolution, upon the certificate of the officer having the duplicate report prepared. Compensation for preparing copies.

CHAPTER LXXXII.

OF OFFICES FOR STATE OFFICERS AND DISTRICT JUDGES.

OFFICES FOR STATE OFFICERS.

SECTION 2915. Who to be furnished offices.

OFFICES FOR DISTRICT JUDGES.

2916. Offices to be provided for District Judges.

An Act providing offices for certain State officers.

[Approved March 10, 1865, p. 368.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Who to be furnished offices.

2915. SECTION 1. Offices shall be furnished by and at the expense of the State, for the following State officers, viz: The Governor, Secretary of State, Supreme Judges, Clerk of the Supreme Court, State Controller, State Treasurer, and Attorney General; *provided*, that the Board of Examiners shall, from time to time, have the right to contract for the rent or hire of an office for any of the above named officers. And all claims for rent of offices, as hereinbefore specified, shall be submitted to and approved by the Board of Examiners; but nothing herein contained shall be so construed as to interfere with or abrogate any contract heretofore made for rent or hire of any office used and occupied by any of the officers hereinbefore named.

An Act providing offices for the District Judges in this State.

[Approved March 3, 1869.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Offices to be provided for District Judges.

2916. SECTION 1. Offices shall be provided and furnished by, and at the expense of the several counties in this State, for the several District Judges therein; and whenever the County Commissioners of any county in this State shall neglect or refuse to provide and furnish an office for the use of the District Judge, it shall be lawful for such District Judge to make an order (which shall be entered upon the minutes of the Court) requiring the Sheriff to provide and furnish such office; and the necessary expenses incurred therein shall become a legal and valid claim against said county.

CHAPTER LXXXIII.

OF OFFICIAL BONDS, AND RELEASE OF SURETIES.

SECTION 2917. Official bonds.
2918. Bonds continued in force, etc.; subsequent law to apply.
2919. Who may bring suit.
2920. Defect in bond not material.
2921. How official bonds to be approved; proviso.
2922. Additional bond may be required.
2923. Failure to appear, etc., office vacant.
2924. Official bond of State officer; proviso.
2925. Force of additional bond.
2926. Number of sureties.
2927. Justification of sureties.
2928. May become liable for portions of penal sum.

RELEASE OF SURETIES ON OFFICIAL BONDS AND UNDERTAKINGS.

2929. Sureties on official bonds may be released.
2930. Statement to be filed with Governor or Secretary of State; notice to be served on officer; statement with Clerk of Board of County Commissioners; County Auditor; City Clerk; Clerk of District Court; provisos.
2931. Office vacant on failure to give additional bond; security not liable; Coroner to act when Sheriff is suspended.
2932. Sureties on original bond, not applying, liable.
2933. Penalty of new bond, etc.

*An Act concerning official bonds.

[Approved March 14, 1865, p. 401.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2917. SECTION 1. All official bonds required by law of officers shall be in form joint and several, and made payable to the State of Nevada, in such penal sum, and with such conditions, as may be required by law. Official bonds.

2918. SEC. 2. Every official bond executed by any officer pursuant to law shall be deemed and taken to be in force, and shall be obligatory upon the principal and sureties therein, for any and all breach of the condition or conditions thereof, committed during the time such officer shall continue to discharge any of the duties of, or hold such office; and every such bond shall be deemed to be in force and obligatory upon the principal and sureties therein, for the faithful discharge of all duties Bonds continued in force, etc.

Subsequent law to apply. which may be required of such officer by any law enacted subsequently to the execution of such bond, and such condition shall be expressed therein.

Who may bring suit. 2919. SEC. 3. Every official bond executed by any officer pursuant to law, shall be in force and obligatory upon the principal and sureties therein, to and for the State of Nevada, and to and for the use and benefit of all persons who may be injured or aggrieved by the wrongful act or default of such officer in his official capacity, and any person so injured or aggrieved may bring suit on such bond, in his or her own name, without an assignment thereof.

Defect in bond not material. 2920. SEC. 4. Whenever any such official bond shall not contain the substantial matter, or condition or conditions required by law, or there shall be any defect in the approval or filing thereof, such bond shall not be void so as to discharge such officer and his sureties, but they shall be bound to the State or party interested, and the State or such party may, by action instituted in any Court of competent jurisdiction, suggest the defect of such bond, or such approval or filing, and recover his proper and equitable demand or damages from such officer, and the person or persons who intended to become and were included in such bond as sureties.

How official bonds to be approved. 2921. SEC. 5. The official bonds of officers shall be approved and filed as follows, to wit: The official bond of the Secretary of State shall be approved by the Governor, and filed and recorded in the office of the County Clerk of the county in which the seat of government is fixed. The official bond of all other State officers, required by law to give bond, shall be approved by the Governor, filed and recorded in the office of the Secretary of State. The official bond of all county and township officers shall be approved by the Board of County Commissioners, and filed and recorded in the office of the County Clerk of their respective counties; *provided*, that the bond of the County Clerk shall be filed and recorded in the office of the County Recorder of the proper county. Proviso.

Additional bond may be required 2922. SEC. 6. Whenever the sureties, or any one of them, in the official bond of any county or township officer, shall die, remove without the State, become insolvent or insufficient, or the penalty of such bond shall become insufficient on account of recoveries had thereon, or otherwise, it shall be the duty of the Board of County Commissioners of the proper county, of their own motion, or on the showing of any person supported by affidavit, to summon any such officer to appear before them, at a time stated, not less than three days after service of such summons, and show cause why he should not execute an additional official bond with good and sufficient sureties.

Failure to appear, etc., office vacant. 2923. SEC. 7. Should such officer, after due notice, fail to appear at the time appointed, the matter may be heard and determined in his absence. If, after examination, the Board of County Commissioners shall be of opinion that the bond of such officer has become insufficient, from any cause whatever, they shall require an additional bond, with such security as may be deemed necessary, which said additional bond shall be executed and filed within such time as the Board of County Commissioners may order; and if any officer shall fail to execute and file such additional bond within the time specified by such order, his office shall become vacant.

2924. SEC. 8. Whenever the official bond of any State officer shall become insufficient, from any cause whatever, the like proceedings may be had before the District Court of the district in which said State officer holds his office, with reference thereto; *provided*, that such proceedings shall be commenced by a written motion, supported by affidavit. **Official bond of State officer.** **Proviso.**

2925. SEC. 9. Every such additional bond shall be of like force and obligation upon the principal and sureties therein, and shall subject the officer and his sureties to the same liabilities as are prescribed respecting the original bonds of officers. **Force of additional bond.**

2926. SEC. 10. Unless otherwise expressly provided, there shall be at least two sureties upon the official bond of every officer. **Number of sureties.**

2927. SEC. 11. In all cases when official bonds are required, or may be hereafter required, from State, county, or township officers, the officer or officers whose duty it is, or may be, to approve such bonds, shall not accept or approve any such bond, unless the sureties thereon shall severally justify before an officer authorized to administer oaths, as follows: First, on a bond given by a State officer that he is a resident and freeholder, or householder, within this State, and on a bond given by a county officer that he is a resident and freeholder or householder within such county. Second, that he is worth double the amount for which he becomes surety, over and above all his debts and liabilities, in property situated within this State, which is not exempt from sale on execution. **Justification of sureties.**

2928. SEC. 12. When the penal sum of any bond amounts to more than two thousand dollars, the sureties may become severally liable for portions not less than five hundred dollars of such penal sum, making in the aggregate at least two sureties for the whole penal sum. **May become liable for portions of penal sum.**

LIABILITY OF SURETIES ON BOND OF DE FACTO OFFICER.—Where a State Treasurer, reëlected in eighteen hundred and sixty-six, accepted a new commission and took a new oath, and continued to discharge the duties of the office, but failed to file a new official bond within the time prescribed by law: *Held*, that he was an officer de facto and holding as of the new term, and that the sureties on the new bond afterwards filed were estopped from denying that he was holding as of the new term de jure.—State of Nevada v. Rhoades, 6 Nev., p. 352.

SURRENDER OF FIRST TERM BY OFFICER RE-ELECTED.—Where an officer on being reëlected accepted a commission, and took the oath of office for the new term, and presented a bond therefor, which, however, was not approved, and he failed to present a new one in the time prescribed by law: *Held*, that he had relinquished all claim to continue to hold over under the former term.—Id.

OFFICERS DE FACTO.—A person discharging the duties of a public officer under color of right, is an officer de facto, and not a mere intruder.—Id.

LIABILITY OF SURETIES OF DE FACTO OFFICERS—RECITALS IN OFFICIAL BONDS—ESTOPPEL.—Where a person discharges the duties of an officer as an officer de facto and not as a mere intruder, he and his sureties are estopped by the recitals in his official bond from denying that he is entitled to the office.—Id.

OFFICIAL BOND FOR SUM GREATER THAN REQUIRED.—Where a State Treasurer voluntarily gave an official bond in the sum of one hundred and two thousand five hundred dollars, while the law only required one in the sum of one hundred thousand dollars: *Held*, that there was nothing in the law to prohibit the giving and accepting (if voluntarily offered) of such a bond, and that under the circumstances the excess did not invalidate it.—Id.

EVIDENCE—BOOKS OF STATE TREASURER PUBLIC RECORDS.—In a suit against the sureties on the official bond of a State Treasurer charged with defalcation: *Held*, that the entries in the books of the Treasurer's office were competent evidence against the sureties, without proof that they were made by or with the knowledge of the Treasurer personally, such books being official (Stats. 1866, p. 57), and coming under the head of public records.—Id.

An Act providing for the release of sureties on official bonds and undertakings.

[Approved February 13, 1867, p. 55.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Sureties on official bonds may be released

2929. SECTION 1. Any surety on the official bond of any State, county, or city officer, or on the official bond of any executor, or administrator, or on the bond or undertaking of any person, where, by a law, a bond or undertaking is required, may be released from all liability thereon accruing, from and after proper proceedings had therefor, as provided in this Act.

Statement to be filed with Governor or Secretary of State.

2930. SEC. 2. Any surety desiring to be released from liability on the bond of any State officer, shall file with the Governor or Secretary of State, a statement in writing duly subscribed by himself, or some one in his behalf, setting forth the name and office of the person for whom he is surety, the amount for which he is liable as such, and his desire to be released from further liability on account thereof. A notice containing the objects of such statement, shall be served personally on the officer, unless he shall have left the State, in which case the same may be served by publication for twenty days in some newspaper printed at the seat of government, or if none be printed there, then in such newspaper as shall be designated by the Governor or Secretary of State. Any surety desiring to be released from the official bond of any county officer, shall file and serve a similar statement. The statement, except when

Notice to be served on officer.

it concerns the County Clerk personally, shall be filed with the Clerk of the Board of County Commissioners, and when the County Clerk is personally concerned, the statement shall be filed with the County Auditor. Any surety desiring to be released from liability on the bond of a city officer, shall file and serve a similar statement with the City Clerk or other proper officer. Any surety desiring to be released from an executor's or administrator's bond or undertaking, shall file and serve a similar statement with the Clerk of the District Court. Any surety desiring to be released from any other official bond or undertaking, shall file and serve a similar statement with the proper officer, person, or authority. All statements provided for in this section, must be served as in the first clause of this section provided; *provided*, the same, if served by publication, may be published in a newspaper in the same, or if no newspaper be published therein, then in an adjoining, or other county, without any order from any Court, or other authority; *provided, further*, in all cases for which publication is provided, a printed or written notice, posted in at least ten conspicuous places within the county, for the time specified, shall be deemed legal notice thereof.

Statement with Clerk of Board of County Commissioners, etc.

Provisos.

2931. SEC. 3. If any officer or person shall fail within ten days from the date of a personal service, or within thirty days from the date of the first insertion of a publication or posted service, to file a new or additional bond or undertaking, the office or appointment of the person or officer so failing shall become vacant, and such officer or person shall forfeit his office or appointment, and the same shall be filled as in other cases of vacancy, and in manner as provided by law, and the person applying to be released from liability on such bond or undertaking shall not be holden or liable thereon, after the date herein provided for the vacating and forfeiting of such office or appointment; *provided*, if a number of sureties on any such bond or undertaking, representing half the amount of the penalty thereof, shall unite in the same, or file and serve separate statements as herein provided, the right of such officer or person to exercise the duties and functions of his office, or appointment, shall immediately cease, until he shall file and have accepted and approved a new or additional bond or undertaking. Whenever by operation of this Act, the functions of any Sheriff shall become suspended, it shall be the duty of the Clerk with whom the statement as hereinbefore provided shall have been filed, to notify the acting Coroner of the county, forthwith of such suspension; and upon being so notified, such Coroner shall succeed to all the powers, and discharge all the duties of Sheriff of his county, pending such suspension of the functions of the Sheriff.

Office vacant on failure to give additional bond.

Security not liable.

Coroner to act when Sheriff is suspended.

2932. SEC. 4. In case a new or additional bond or undertaking be filed, the sureties on the original, not asking to be released, and on the new or additional bond or undertaking, shall be and continue liable for the official acts of such officer or person jointly and severally, the same as if all were sureties on one and the same instrument.

Sureties on original bond, not applying, liable.

2933. SEC. 5. Whenever a statement is filed, or filed and served as herein provided, the proper authority shall prescribe

Penalty of new bond, etc. the penalty or amount in which a new or additional bond or undertaking shall be filed, and if no such order be made, then such new or additional bond or undertaking shall be executed for the same amount as the original.

CHAPTER LXXXIV.

OF THE OFFICIAL OATH.

SECTION 2934. Who required to make oath; form of oath.

An Act prescribing the official oath of the State of Nevada.

[Approved January 16, 1865, p. 96.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Who required to make oath. 2934. SECTION 1. All persons, including Presidents, Secretaries, Trustees, or Directors of mining or other corporations, formed under the provisions of the laws of this State, members of the Legislature, all officers, executive, judicial, and ministerial, and all other persons who may be required by law (except witnesses in the Courts of justice of this State), to make oath or affirmation, shall, before they enter upon the duties of their respective offices, or other duties required of them, take and subscribe to the following oath, or affirmation: Form of oath. I, ——, do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States, and the Constitution and Government of the State of Nevada, against all enemies, whether domestic or foreign; and that I will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution, or law of any State Convention or Legislature to the contrary notwithstanding; and further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever. And I do further solemnly swear (or affirm) that I have not fought a duel, nor sent or accepted a challenge to fight a duel, nor been a second to either party, nor in any manner aided or assisted in such duel, nor been knowingly the bearer of such challenge or acceptance, since the adoption of the Constitution of the State of Nevada; and that I will not be so engaged or concerned, directly or indirectly, in or about any such duel, during my continuance in office; and further, that I will, well and faithfully, perform all the duties of the office of ——, on which I am about to enter (if an oath), "so help me God" (if an affirmation), under the pains and penalties of perjury. (a)

(a) Constitution, Art. XV, Sec. 2.

CHAPTER LXXXV.

OF DISTRICT ATTORNEYS.

SECTION 2935. Election of.
2936. Bond.
2937. District Attorney to be public prosecutor.
2938. Compensation of.
2939. To conduct prosecutions.
2940. Failure to attend term of Court.
2941. Duties.
2942. To deliver receipt for money, etc.
2943. To file account of moneys received.
2944. Treasurer to bring action for moneys.
2945. To give his opinion to certain officers without fee.
2946. Fees in addition to salary.
2947. To attend sittings of Commissioners.
2948. Not to present claims, etc., against his county.
2949. May be indicted, etc.
2950. Vacancy, how filled.

SALARIES.

2951. How salaries paid; money set apart.

An Act concerning District Attorneys.

[Approved March 11, 1865, p. 386.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2935. SECTION 1. There shall be a District Attorney in each of the counties of this State, who shall be elected by the qualified electors of each county, at the general election in one thousand eight hundred and sixty-six, and every two years thereafter, and shall enter upon the duties of his office on the first Monday of the month following his election. **Election of.**

2936. SEC. 2. Before entering upon the duties of his office he shall execute and file with the County Clerk a bond to the county, conditioned for the faithful performance of his duties, the penalty of said bond to be fixed by the Board of County Commissioners. **Bond.**

2937. SEC. 3. The District Attorney in each county shall be public prosecutor therein. **District Attorney to be public prosecutor.**

2938. SEC. 4. The District Attorney of each county in this State shall receive for his services, annually, a compensation, to be paid in four equal quarterly payments, as follows: **Compensation of.**

First—Of the County of Storey, two thousand dollars.

Second—Of the County of Esmeralda, one thousand dollars.

Third—Of the County of Lander, two thousand dollars.

Fourth—Of the County of Humboldt, one thousand dollars.

Same. Fifth—Of the County of Ormsby, one thousand dollars.

Sixth—Of the County of Washoe, one thousand dollars, after the first day of January, A. D. eighteen hundred and seventy-five.

Seventh—Of the County of Lyon, fifteen hundred dollars.

Eighth—Of the County of Churchill, six hundred dollars.

Ninth—Of the County of Nye, one thousand dollars, after the first day of January, A. D. eighteen hundred and seventy-five.

Tenth—Of the County of Douglas, one thousand dollars.

Eleventh—Of the County of Lincoln, two thousand dollars.

Twelfth—Of the County of White Pine, fifteen hundred dollars, after the first day of January, eighteen hundred and seventy five.

Thirteenth—When any new county shall be created hereafter, the District Attorney for such county shall receive for his services an annual salary not exceeding fifteen hundred dollars, as the County Commissioners of such county may determine. [As amended, Stats. 1873, p. 60.]

To conduct prosecutions. 2939. SEC. 5. He shall attend the District Courts held in his county, for the transaction of criminal business; he shall, also, attend Justices' Courts in his county, when required by Justices of the Peace, and conduct all prosecutions on behalf of the people for public offenses.

Failure to attend term of Court. 2940. SEC. 6. If he fails to attend any term of the District Court, the Court may designate some other person to perform the duties of District Attorney during his absence from the Court, who shall receive a reasonable compensation, to be certified by the Court, and paid out of the County Treasury.

Duties. 2941. SEC. 7. The District Attorney shall draw all indictments, when required by the grand jury; shall defend all suits brought against his county; shall prosecute all recognizances forfeited in the District Court, and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to his county; and he shall also perform such other duties as may be required of him by law.

To deliver receipt for money, etc. 2942. SEC. 8. When he receives money or property in his official capacity, he shall deliver a receipt therefor to the person from whom he receives it, and file a duplicate with the County Auditor.

To file account of moneys received. 2943. SEC. 9. He shall, on the first Mondays of May, August, and November, in each year, file in the office of the County Treasurer an account in writing, certified by oath, of all moneys received by him in his official capacity during the preceding three months, and shall, at the same time, pay it over to the County Treasurer.

Treasurer to bring action for moneys. 2944. SEC. 10. For a failure to comply with the provisions of the last section, the County Treasurer shall bring an action against him and his sureties for the recovery of all moneys in his hands not accounted for, and for twenty per cent additional thereon.

To give his opinion to certain officers without fee. 2945. SEC. 11. The District Attorney shall, without fees, give his opinion to any Assessor, Collector, Auditor, or County Treasurer, in any matter relating to the duties of their respective offices.

2946. SEC. 12. The District Attorney, in addition to the yearly salary allowed by law, shall receive the following fees: For each conviction in capital cases, the sum of one hundred dollars; on conviction of any other felony, fifty dollars; and for a misdemeanor in the District Court, twenty-five dollars, to be charged against the defendant; for each conviction in a Justice's Court, to be taxed as costs against the defendant (but shall in no case be charged against the county), fifteen dollars; for each suit in a Justice's Court, for delinquent taxes, a fee of five dollars; and in the District Court, ten dollars, with ten per cent on the amount of taxes delinquent, said fee and percentage to be taxed and collected as costs; for all amounts collected by him for the county by action, except for delinquent taxes, ten per cent. ([a]) Fees in addition to salary.

(a) For fees of District Attorney in tax suits, see Sec. 3165†.
For conviction under gambling law, $250, Sec. 3298.

2947. SEC. 13. The District Attorney, when not in attendance on the sittings of the District Court as criminal prosecutor, shall attend the sittings of the Board of County Commissioners, when engaged in auditing accounts and claims brought against the county, and in all cases oppose such accounts or claims as he may deem illegal or unjust, and shall, at all times, give his advice when required to said Commissioners upon matters relating to their duties. To attend sittings of Commissioners.

2948. SEC. 14. No District Attorney, except for his own services, shall be allowed to present any claim, account, or demand, for allowance, against his own county, or in any way to advocate the relief asked on the claim or demand made by another. Not to present claims, etc. against his county.

2949. SEC. 15. The District Attorney may be indicted for a misdemeanor in office, or neglect of duty, and be punished by fine not exceeding one thousand dollars, or by removal from office, or by both such fine or removal from office, said fine to be paid into the County Treasury for county purposes. May be indicted, etc.

2950. SEC. 16. In case a vacancy should occur in the office of District Attorney, by death, removal, or otherwise, the Board of County Commissioners shall appoint some suitable person to fill such vacancy, who shall remain in office during the balance of the unexpired term. Vacancy, how filled.

An Act entitled an Act for the payment of the salaries of District Attorneys of the several counties of this State.

[Approved March 5, 1873, p. 133.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2951. SECTION 1. The salaries of the District Attorneys of this State shall be audited by the Board of County Commis- How salaries paid.

Money set apart. sioners, and paid at the end of each quarter out of any money in the General Fund of the county; *provided*, that whenever at the end of any quarter there shall not be sufficient money in said Fund to pay said salary, the County Treasurer shall set apart from any money in the General Fund, or from the first money that shall come into the said General County Fund not otherwise specially appropriated, an amount sufficient to pay said salary.

CHAPTER LXXXVI.

OF SHERIFFS AND ELISORS.

SECTION 2952. When elected.
2953. Oath of office and bond.
2954. To appoint deputies; oath of deputy.
2955. Sheriff to have custody of jail and prisoners.
2956. Duties of.
2957. Same.
2958. Writs and orders to be indorsed by.
2959. Execution of process by; liable for failure.
2960. Liable to creditor for neglecting to attach.
2961. Liability for collections.
2962. Location of office.
2963. Limit of fees.
2964. Sheriff not to purchase.
2965. May collect after term of office.
2966. Escape of prisoners from; punishment for.
2967. Authority of, in judicial districts.
2968. When not liable for damages.
2969. Service of paper on.

APPOINTMENT OF ELISORS.

2970. Elisors, appointment of; when to act.
2971. Execution of process by.
2972. Sheriff, when arrested, how confined.
2973. Powers and duties of Elisors.

An Act relating to Sheriffs.

[Approved November 28, 1861, p. 103.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

When elected. 2952. SECTION 1. That there shall be elected at the annual election, in each county in this State, a Sheriff, who shall hold his office for two years, and until his successor is elected and qualified; *provided*, the Sheriff elected at the special election of January next, shall hold his office until the first general election, and until his successor is qualified. (a)

(a) Election of Sheriff, Stats. 1866, p. 231; Sec. 2599, post.

2953. SEC. 2. Before entering upon the discharge of his duties, each Sheriff shall take an oath of office, and give a bond to his county, in the penal sum of not less than ten nor more than fifty thousand dollars, with two or more sureties, residing in his county, to be approved by the Board of County Commissioners, conditioned for the faithful performance of the duties of his office, which bond shall be filed with the County Auditor. Oath of office and bond.

2954. SEC. 3. Each Sheriff shall have power to appoint, in writing, signed by him, one or more deputies, who are hereby empowered to perform all the duties devolving on the Sheriff of the county; and the Sheriff shall be responsible for all the acts of his deputy or deputies, and may remove such deputy or deputies at pleasure; but no Deputy Sheriff shall be qualified to act as such until he has taken an oath to faithfully and impartially discharge the duties of said office, which said oath shall be certified on the back of his appointment, and filed in the office of the County Auditor. The Sheriff may also require of his deputies such bonds as to him shall seem proper. (b) To appoint deputies. Oath of deputy.

(b) Appointment of Elisors, see Stats. 1862, p. 7; Sec. 2970 et seq., post.

2955. SEC. 4. The Sheriff of each county shall have the custody of the jail or prison of his county, and the prisoners in the same, and shall appoint the keeper thereof, for whose conduct he shall be responsible, and whom he may remove at pleasure; and no Sheriff shall be allowed to practice law in any Court of which he is an officer. (c) [As amended February 23, Stats. 1867, p. 64.] Sheriff to have custody of jail and prisoners.

(c) Inhumanity to prisoners forbidden, see Sec. 2660. When suspended, Coroner to act, Sec. 2931.

2956. SEC. 5. It shall be the duty of Sheriffs and of their deputies to keep and preserve the peace in their respective counties, and to quiet and suppress all affrays, riots, and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony, or breach of the peace, they may call upon the power of their county to aid in such arrest, or in preserving the peace. Duties of.

2957. SEC. 6. It shall be the duty of the Sheriff to attend in person, or by deputy, at all sessions of the District Court in his county, and to obey all the lawful orders and directions of the same; to execute the process, writs, or warrants of Courts of justice, judicial officers, and Coroners, when delivered to him for that purpose. [As amended March 4, Stats. 1873, p. 115.] Same.

2958. SEC. 7. When any process, writ, or order shall be delivered to the Sheriff to be served or executed, he shall forthwith indorse upon it the year, month, day, and hour of its

Writs and orders to be indorsed by.

reception, and shall give to the person delivering it, if required, on payment of his fee, a written memorandum, signed by him, stating the names of the parties in the process or order, the nature thereof, and the time it was received. He shall also deliver to the party served a copy thereof, if required so to do, without charge to such party.

Execution of process by.

2959. SEC. 8. A Sheriff to whom any process, writ, order, or paper shall be delivered, shall execute the same with diligence, according to its command, or as required by law, and shall return it without delay to the proper Court or officer, with his certificate indorsed thereon of the manner of its service or execution, or if not served or executed, the reasons of his failure. For a failure so to do, he shall be liable to the party aggrieved for all damages sustained by him on account of such neglect.

Liable for failure.

Liable to creditor for neglecting to attach.

2960. SEC. 9. If the Sheriff to whom a writ of execution or writ of attachment is delivered, shall neglect or refuse, after being required by the creditor or his attorney to attach, or to levy upon, or sell, any property of the party charged in the writ which is liable to be attached or levied upon and sold, he shall be liable on his official bond to the creditor for the value of such property.

Liability for collections.

2961. SEC. 10. If a Sheriff shall neglect or refuse to pay over on demand to the person entitled, any money which may come into his hands by virtue of his office, after deducting his legal fees, the amount thereof, with twenty-five per cent damages, and interest at the rate of ten per cent per month from the time of the demand, may be recovered by such person from him and the sureties on his official bond, on application, upon five days' notice to the Court in which the action is brought, or the Judge thereof in vacation. (1)

(1) Section ten of an Act entitled "An Act relative to Sheriffs" (Laws of 1861, p. 103), only refers to those cases where there is a wrongful withholding of the money collected by the Sheriff, and not where there is a mistake in its application, and it is shown that the Sheriff has not the money in his hands.—Giffin v. Smith, 2 Nev., p. 374.

It is not the policy of the law to inflict penalties upon its officers for mistakes or errors of judgment.—Id.

Location of office.

2962. SEC. 11. The Sheriff shall keep an office at the county seat of his county, which shall be kept open on all days except Sundays, from nine o'clock, forenoon, until five o'clock, afternoon.

Limit of fees.

2963. SEC. 12. No Sheriff shall directly or indirectly ask, demand, or receive for any services or acts by him performed in pursuance of any duty of his office, any greater or more fees than he is allowed by law, on pain of forfeiting for such offense, to the party aggrieved, treble the sum so demanded or received, and his legal fees, together with costs of suit.

Sheriff not to purchase

2964. SEC. 13. No Sheriff shall become the purchaser, nor procure any person to become the purchaser for him, of any property, real or personal, by him exposed to sale by virtue of any execution or other process; and all such purchases made by any Sheriff, or any person in his behalf, shall be absolutely null and void.

2965. SEC. 14. Any Sheriff, at the expiration of his term of office, having any execution or final process which he may have levied and not collected, shall be and hereby is authorized to proceed and collect such execution in the same manner as if his term of office had not expired. May collect after term of office.

2966. SEC. 15. When any prisoner shall be committed to the County Jail for trial, or for examination, upon conviction for a public offense, or for disobedience to any writ, mandate, process, or order of any Court, such prisoner shall be actually confined in the jail until he is legally discharged; and if he be permitted to go at large out of the jail, except by virtue of a legal order or process, it shall be an escape, and the Sheriff or Jailor permitting it shall be deemed guilty of a misdemeanor, and may be fined in any sum not exceeding ten thousand dollars. Escape of prisoners from. Punishment for.

2967. SEC. 16. The Sheriff in any county in any judicial district in this State, to which any other county or counties in such district may be attached for judicial purposes, shall have power and authority to serve all process, writs, orders, or other papers issued or directed to him by the District Court of his county, or the Clerk thereof, within any county or counties so attached, the same as if the said county or counties were not separate and distinct counties. Authority of, in judicial districts.

2968. SEC. 17. No Sheriff shall be liable for any damages for neglecting or refusing to serve any civil process, unless his legal fees (and an indemnifying bond in cases where he has doubts as to the ownership of the property sought to be levied upon or attached, if the same shall be required by him,) are first tendered him. When not liable for damages.

2969. SEC. 18. Service of a paper upon the Sheriff may be made by delivering it to himself in person, or by delivering it to one of his deputies, or to a person belonging to and in the office, during office hours, or if no such person be there, by leaving it in a conspicuous place in the office. Service of paper on.

An Act providing for the appointment of Elisors. (a)

[Approved December 10, 1862, p. 7.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

2970. SECTION 1. Process and orders, in an action or proceeding, may be executed in any county in this State by a person designated by the Court, or the Judge thereof, or a Probate Judge of the county in which the action or proceeding is pending, and denominated an Elisor, in the following cases: Elisors, appointment of.

First—When the Sheriff is a party. When to act.

Second—When there is a vacancy in the office of Sheriff.

Third—When it shall be made to appear, by affidavit, to the satisfaction of the Court in which the suit or proceeding is pending, or the Judge thereof, or the Probate Judge of the county where the proceeding or action is pending, that the Sheriff, by the reason of any bias, prejudice, or other cause, would not act promptly or impartially; *provided*, said Court or Judge may require such person so appointed to give a bond, with sufficient security, in such amount and with such condition, to the person to be served, as the Court or Judge may deem necessary to secure the rights of the party.

(a) In Storey County, Coroner (Public Administrator) to act instead of Elisor.—Stats. 1864, p. 138; Secs. 3053, 3055, post.

Execution of process by.

2971. SEC. 2. When process is delivered to an Elisor, he shall execute it in the same manner as the Sheriff is required to execute similar process in other cases.

Sheriff, when arrested, how confined.

2972. SEC. 3. If the Sheriff, on being arrested by an Elisor, or if another, on being arrested in an action in which the Sheriff is a party, upon an order of arrest, in a civil action, neglect to give bail or make a deposit of money instead thereof, or if he be arrested on execution against his body, or on a warrant of attachment, he shall be confined in a house other than the house of the Sheriff or the County Jail, in the same manner as the Sheriff is required to confine a prisoner in the County Jail; the house in which he is thus confined shall thereupon become, for that purpose, the County Jail.

Powers and duties of Elisors.

2973. SEC. 4. An Elisor, appointed to execute process and orders in the cases mentioned in this Act, shall be invested with the powers, duties, and responsibilities of the Sheriff, in the execution of such process or orders, and in every matter incidental thereto, and shall be entitled to the same fees as a Sheriff would be entitled to for like services.

CHAPTER LXXXVII.

OF JUSTICES OF THE PEACE, COUNTY CLERKS, AND CONSTABLES.

SECTION 2974. Justices shall be conservators of the peace.
2975. County Clerks, oath and bond of.
2976. Additional duties of.
2977. Constable, peace officer.
2978. Justices, oath and bond of.
2979. Constables, oath and bond of.

An Act concerning officers.

[Approved November 29, 1861, p. 288.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

SECTION 1. [Superseded by Act of eighteen hundred and seventy-three, given below.]

2974. SEC. 2. The Justices shall be conservators of the peace in their respective townships, and shall discharge such duties as may be prescribed by law. Justices shall be conservators of the peace.

2975. SEC. 3. Each County Clerk shall, before entering upon the duties of his office, take the oath prescribed by law, and execute to the county a penal bond, in the sum of ten thousand dollars, conditional for the faithful discharge of the duties of his office, which bond shall be approved by the Probate Judge, and filed in the office of the County Recorder. (a) County Clerks, oath and bond of.

(a) Probate Courts abolished.—Const. Nevada, Art. VI, Sec. 6.

2976. SEC. 4. The County Clerk shall perform such duties as Clerk of the Probate Court, Clerk of the Board of County Commissioners, and County Auditor, as required by law, and shall discharge such other duties as may be prescribed by law. (b) Additional duties of.

(b) County Recorders, ex officio County Auditors; County Clerks, ex officio Clerks of the Courts of record, and of the Boards of County Commissioners.—Const. Nevada, Art. IV, Sec. 32.

SEC. 5. [Superseded by Act of eighteen hundred and seventy-three, given below.]

2977. SEC. 6. Each Constable shall be a peace officer in his township, and shall serve all mesne and final process issued by a Justice of the Peace, and shall discharge such other duties as are or may be prescribed by law. Constable, peace officer.

An Act concerning official bonds of Justices of the Peace and Constables.

[Approved February 10, 1873, p. 51.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2978. SECTION 1. Each Justice of the Peace hereafter elected or appointed in this State shall, before entering upon the duties of his office, take the oath prescribed by law, and execute a bond to the State of Nevada, to be approved by the Board of County Commissioners, in the penal sum of not less Justices, oath and bond of.

than one thousand dollars nor more than five thousand dollars, as may be designated by such Board of County Commissioners; which bond shall be conditioned for the faithful performance of the duties of his office, and shall be filed in the County Clerk's office.

Constables, oath and bond of. 2979. SEC. 2. Each Constable hereafter elected or appointed in this State shall, before entering upon the duties of his office, take the oath prescribed by law, and execute a bond to the State of Nevada, to be approved by the Board of County Commissioners, in the penal sum of not less than one thousand dollars nor more than three thousand dollars, as may be designated by such Board of County Commissioners; which bond shall be conditioned for the faithful performance of the duties of his office, and shall be filed in the County Clerk's office.

CHAPTER LXXXVIII.

OF COUNTY TREASURERS, WARRANTS, AND CLAIMS.

SECTION 2980. Oath of office, bond, etc.
2981. Receipts and disbursements.
2982. Deputies.
2983. Office, location and hours of.
2984. Accounts.
2985. Books, etc., subject to inspection.
2986. To pay orders.
2987. Orders and interest redeemed.
2988. How redeemed.
2989. Where deposited.
2990. Removal of Treasurer.
2991. Annual settlements.

CONCERNING PAYMENT OF COUNTY WARRANTS.

2992. Warrants, where to be presented.

ACCOUNTS AGAINST COUNTIES.

2993. Accounts to be sworn to; certificates to be issued; fees allowed the Auditor.

An Act in relation to County Treasurers.

[Approved November 29, 1861, p. 286.]

Be it enacted by the Governor and the Legislative Assembly of the Territory of Nevada, as follows:

SECTION 1. (a)

(a) Section one superseded by Act of March 1, Stats. 1866, p. 234. See Sec. 2616.

2980. SEC. 2. The County Treasurer, before he enters on the duties of his office, shall take the oath faithfully to discharge the duties of his office, as prescribed by law; he shall, also, before he enters upon the duties of his office, give a bond to the county, with at least two sureties residing in the county, in a penal sum of not less than double the amount of funds liable to come into the hands of the said Treasurer during his term of office, the amount to be fixed, and the bond to be approved by the County Commissioners of the proper county, conditioned that all moneys received by him for the use of the county shall be paid as the Commissioners shall from time to time direct, except where special provision is made by law for the payment of such moneys, by order of any Court, or otherwise, and for the faithful discharge of his duties. ([a]) Oath of office, bond, etc.

(a) For official oath, see Sec. 2934. For official bond, see Sec. 2917.

2981. SEC. 3. He shall receive all moneys due and accruing to his county, and disburse the same, on the proper orders issued and attested by the County Auditor. Receipts and disbursements

2982. SEC. 4. County Treasurers may appoint one or more deputies, and may take from them bond with sureties; they shall have power to remove their deputies at pleasure, and every County Treasurer and his sureties shall be liable for every official act of his deputies. Deputies.

2983. SEC. 5. The County Treasurer shall keep his office at the seat of justice of his county, and shall keep the same open for transaction of business during business hours; and he, and his deputies, are authorized to administer all oaths necessary in the discharge of the duties of his office. Office, location and hours of.

2984. SEC. 6. He shall so arrange and keep his books that the amount received and paid out, on account of separate and distinct Funds, or specific appropriations, shall be exhibited in separate accounts, as well as the whole receipts and expenditures by one general account. Accounts.

2985. SEC. 7. He shall, at all times, keep his books and office subject to the inspection and examination of the Board of County Commissioners, and shall exhibit the money in his office to such Board, at least once a year, and as often as such Board may require. Books, etc. subject to inspection.

2986. SEC. 8. He shall pay all orders of the County Auditor when presented, if there be money in the treasury for that purpose, and write on the face of such order the date of redemption and his signature. If there be no funds to pay such order when presented, he shall indorse thereon, "not paid for want of funds," and the date of such indorsement over his signature, which shall entitle such order thenceforth to draw legal interest; *provided*, that such interest shall cease from the date of notice by publication in some newspaper printed or circulated in his county, to be given by the County Treasurer, that there are funds to redeem such outstanding orders, which notice such Treasurer shall give in such case, and if there be no To pay orders.

such newspaper, then by posting such notice at three public places in such county.

Orders and interest redeemed. 2987. SEC. 9. When the County Treasurer shall redeem any order on which interest is due, he shall note on such order the amount of interest by him paid thereon, and shall enter on his account the amount of such interest distinct from the principal.

How redeemed. 2988. SEC. 10. County orders shall be redeemed by the Treasurer according to the priority of the time of presentment; *provided*, such orders payable out of the county revenue shall be received in payment of county taxes, without any regard to the priority of presentment, or number; but such Treasurer shall not pay any balance thereon over and above such tax, when there are outstanding orders unpaid for want of funds.

Where deposited. 2989. SEC. 11. The Treasurer shall, on the first Monday in September, in each year, deposit with the County Auditor all county orders redeemed, who shall receipt therefor.

Removal of Treasurer. 2990. SEC. 12. Whenever suit shall have been commenced on the official bond of any delinquent Treasurer, he may be removed by the Board of County Commissioners of his county.

Annual settlements 2991. SEC. 13. The County Treasurer shall annually make complete settlements with the Board of County Commissioners, at the regular September term thereof, and shall, at the expiration of his term of office, deliver to his successor all public moneys, books, and papers in his possession.

SEC. 14. ([a]) [Gave Treasurer two per cent on all moneys collected and two per cent on all moneys paid out.]

(a) Sec. 14 superseded by Act of February 27, Stats. 1869, p. 94. See Sec. 3207. For salary of County Treasurers, see Sec. 3205.

An Act concerning the payment of county warrants.

[Approved March 9, 1865, p. 351.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Warrants, where to be presented. 2992. SECTION 1. Whenever any county warrant or warrants of any county of this State, shall not be presented to the County Treasurer of the proper county for payment, within six months after notice shall have been given that said warrant or warrants are payable, the money held for the payment of said warrants shall be paid out by the County Treasurer as other county funds; *provided*, that whenever any warrant, as aforesaid, shall thereafter be presented to the County Treasurer of the proper county for payment, the same shall be deemed then due and payable.

An Act to regulate the presentation and auditing of demands against counties.

[Approved March 13, 1867, p. 115.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

2993. SECTION 1. Accounts presented against a county must be sworn to by the claimant, or some one in his behalf, before the County Auditor, or some other officer authorized by law to administer oaths; and at the request of the claimant, the Auditor shall issue a certificate and deliver the same to the claimant, showing the amount allowed, and out of what Fund payable. No more than one certificate shall be issued upon the same allowance, unless the same be plainly marked or shown on the face thereof to be a duplicate certificate. No fee shall be allowed or charged by the County Auditor for any service as herein provided to be rendered by the Auditor, except as follows: For swearing the claimant, when the demand exceeds fifty dollars, fifty cents; and for issuing the certificate, when the amount allowed exceeds said sum of fifty dollars, one dollar.

Accounts to be sworn to.

Certificates to be issued.

Fees allowed the Auditor.

CHAPTER LXXXIX.

OF COUNTY RECORDERS, THEIR DUTIES; PURCHASE AND PRESERVATION OF NEWSPAPERS; COMPENSATION FOR EXTENDING TAXES ON ASSESSMENT ROLL; SALARY AS AUDITOR; DUTY TO REPORT FINANCIAL CONDITION OF COUNTY TO STATE CONTROLLER.

SECTION 2994. To file oath and bond.
2995. May take acknowledgments.
2996. Deputies.
2997. Vacancy.
2998. Fees to be paid in advance.

DUTIES IN CERTAIN CASES.

2999. Duties when another county is attached, or the county divided.
3000. Same.

NEWSPAPERS.

3001. Recorders required to subscribe for newspaper.
3002. Copies to be preserved, penalty for neglect, etc.
3003. Subscription, how paid.
3004. Penalty for abstracting, etc.

EXTENDING TAXES ON ASSESSMENT ROLL.

SECTION 3005. Compensation for extending taxes.

COUNTY AUDITORS.

3006. Salaries.

FINANCIAL CONDITION OF COUNTY.

3007. Auditor to make statement; what to show.
3008. Circular of Surveyor General.
3009. Statement of Assessor, what to contain.
3010. Auditor to forward report to Surveyor General.
3011. Surveyor General and Controller to report to Legislature.
3012. Surveyor General's circular, what to include; blanks to Assessors and Auditor.
3013. Printing, cost of.
3014. Assessors to gather information for their reports.

An Act concerning County Recorders, and defining their duties.

[Approved March 9, 1865, p. 351.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

To file oath and bond. 2994. SECTION 1. Each of the County Recorders of the several counties of this State, before entering upon the duties of their office, shall take the constitutional oath of office, and shall enter into bonds in the penal sum of not less than five nor more than fifty thousand dollars, at the discretion of the County Commissioners of the respective counties, with two or more sureties, to be approved by the District Judge, conditioned for the faithful performance of their duties as Recorders.

May take acknowledgments. 2995. SEC. 2. The County Recorder of the several counties within this State are hereby empowered to take and certify the acknowledgment and proof of all conveyances affecting any real estate, or of any other written instrument, for which he shall receive the same fees as are now prescribed by law. [As amended March 2, Stats. 1871, p. 107.]

Deputies. 2996. SEC. 3. The Recorder of each county may appoint a deputy, who shall hold his office during the pleasure of the Recorder; such appointment shall be in writing, and filed and recorded in the office of the Recorder. And the Recorder so appointing him, and his sureties, shall be responsible for the faithful performance of his duties as such deputy.

Vacancy. 2997. SEC. 4. In case of a vacancy in the office of Recorder, or his absence or inability to perform the duties of his office, the deputy shall perform the duties of Recorder during the continuance of such vacancy, absence, or inability.

Fees to be paid in advance. 2998. SEC. 5. The Recorder shall not be bound to record any instrument, or file any paper or notice, or to furnish any copies, or to render any service connected with his office, until his fees for the same, as prescribed by law, are paid or tendered. (1)

(1) The Recorder having received fees in advance for recording, indexing, etc., of instruments, was bound to record them

himself or procure their recordation by his successor.—Davis v. Thompson, 1 Nev., p. 17.

Was a newly elected Recorder bound to record deeds found in the office when he qualified, and for the recordation of which his predecessor was paid? *Query.*—Id.

If not strictly bound to record them, it was convenient and proper he should record them, and without so doing he could not conduct the business of his office in an orderly and proper manner.—Id.

A necessity being thus imposed on the incoming Recorder to record the deeds left unrecorded by his predecessor, and that recordation inuring to the benefit of the prior possessor of the office, the law raises an implied request on the part of the outgoing Recorder to perform the labor and an implied promise on his part to pay for the same.—Id.

When A. is morally and legally bound to perform certain labor, but failing to perform it himself places B. under the necessity of performing it to avoid loss or inconvenience, and A. receives the benefit of that performance, the law will imply both a request to B. to perform the labor, and a promise to pay for it when performed.—Id., on petition for rehearing.

An Act relating to the duties of County Recorders in certain counties.

[Approved February 20, 1864, p. 151.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

Duties when another county is attached, or the county divided.

2999. SECTION 1. From and after the first day of March, eighteen hundred and sixty-four, it shall be the duty of the County Recorder, to which any other county is attached for legislative, judicial, or other purposes, to keep a separate book or books for the recording of all papers relating to property or other matters connected with said county and entitled to record, which book or books shall, upon the separate organization of the county attached, become the property of said county; *provided,* that in case of any alterations in the boundary lines between the two counties by the Act authorizing a separation of the counties, for the purposes for which they were attached, the acting Recorder of the county in which the records have been kept, shall be entitled to keep possession of the book or books in which such records are kept for a sufficient length of time, not exceeding sixty days, for the purpose of copying any papers which, owing to the change of boundary lines, may become necessary to be recorded in his county.

Same.

3000. SEC. 2. Whenever it shall become necessary, owing to any change in boundaries, contemplated in section one of this Act, to have any transfer of records from the records of the county so separating to those of the other, it shall be the duty of the County Recorder, in which such records have been kept, to make such transfer, for which service he shall be entitled to receive from the County Treasurer a sum of money not exceeding forty per cent of the fees as established by law at the time for making the original records; *provided*, that he shall receive no pay for transcribing any records which the County Commissioners shall decide unnecessary to be made.

Claims against counties.—See Sec. 2993, ante.

An Act for the purchase and preservation of public newspapers printed and published in the several counties in this State.

[Approved February 1, 1865, p. 127.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Recorders required to subscribe for newspaper.

3001. SECTION 1. The Recorders of the several counties of this State are hereby authorized and required to subscribe for such newspapers, at least one and not more than three, printed and published in their respective counties, as the Board of Commissioners therein may select and determine.

Copies to be preserved, penalty for neglect, etc

3002. SEC. 2. It shall be the duty of each County Recorder to receive and preserve every copy of the paper or papers so subscribed for, and from time to time to cause the same to be properly arranged and bound in volumes of convenient size in a substantial manner, and said volumes when bound shall be kept in his office for the use of the Courts when needed, of strangers, and the inhabitants of the county, all of whom shall have access to the same at all times during office hours, free of charge. For his services in this behalf the Recorder shall receive the sum of ten dollars for each volume, and for neglect of the duties hereby imposed shall forfeit the sum of fifty dollars, to be recovered, with costs, in a civil action before any Court, one half of which shall be paid into the County School Fund, and the other half to the person who shall prosecute such action to successful termination.

Subscription, how paid.

3003. SEC. 3. The subscription price of such paper or papers, the binding of the several volumes thereof, and the Recorder's compensation for the care and preservation of the same, shall be paid out of the General Fund of the county, in the same manner that other charges are audited and allowed from such Fund by the respective Boards of County Commissioners; *provided*, that in any county in this State in which the County Recorder is compensated by a salary, said Recorder shall receive for such services no compensation additional to that of his salary, and the expense of procuring and filing such newspapers shall be paid as stationery and books for the office of said Recorder are now paid for.

Penalty for abstracting, etc.

3004. SEC. 4. Any person who shall willfully abstract, destroy, mutilate, or deface any number or volume of such newspaper purchased in pursuance of this Act, shall be deemed guilty of a misdemeanor, and shall be fined in a sum not exceeding five hundred dollars, or imprisoned in the County Jail not more than six months, or both such fine and imprisonment, in the discretion of the Court; *provided*, that one half such fine shall be paid into the School Fund of the county wherein such offender may be convicted, and the other half to the person who shall make the complaint.

An Act to limit the compensation of County Auditors for extending the taxes on the assessment roll.

[Approved February 20, 1873, p. 63.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Compensation for extending taxes.

3005. SECTION 1. The County Auditors of the several counties shall be allowed such compensation as may be fixed by the Board of County Commissioners for extending the taxes on the assessment roll, not to exceed fifteen cents per folio of one hundred words; *provided*, that in no case shall the Auditor receive more than three hundred dollars for such service in any one year.

An Act to regulate the salaries of County Auditors.

[Approved March 7, 1873, p. 171.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Salaries.

3006. SECTION 1. From and after the passage of this Act the Auditors of the several counties of this State shall be allowed the following monthly salaries, to wit: The Auditor of Storey County, one hundred dollars; of Ormsby County, one hundred dollars; of Esmeralda County, one hundred dollars; of Douglas County, one hundred dollars; of Lyon County, one hundred dollars; of Lander County, one hundred dollars; of Humboldt County, one hundred dollars; of Elko County, one hundred dollars; of White Pine County, one hundred dollars; of Churchill County, seventy-five dollars; of Lincoln County, one hundred dollars; of Washoe County, one hundred dollars; of Nye County, one hundred dollars; *provided*, that after the first day of January, A. D. eighteen hundred and seventy-five, the monthly salary of the Auditor of Washoe County shall be fifty (50) dollars, and the monthly salary of the Auditor of Nye County shall be fifty (50) dollars.

An Act to provide for obtaining correct statements of the financial condition of the several counties of this State, and other matters of statistical information.

[Approved February 26, 1873, p. 97.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Auditor to make statement.

3007. SECTION 1. It is hereby made the duty of the several County Auditors of this State, on the first day of December of each year, to prepare and forward to the Controller of State a statement showing:

What to show.

First—The indebtedness of such county, funded and floating, stating the amount of each class, and the rate of interest borne, by such indebtedness, or any part thereof, and the amount of cash in the County Treasury, in its several Funds;

Second—A careful estimate of the value of all property owned by such county;

Third—The aggregate value of the real estate and personal property in such county, as shown by the last assessment roll, stating each separately;

Fourth—The rate of taxation in said year in such county, and the amount of poll taxes collected, and the number of registered voters;

Fifth—The amount of taxes so assessed, stating the portion, if any, there was delinquent.

Circular of Surveyor General.

3008. SEC. 2. On or before the first of March of each year the Surveyor General shall furnish to the Auditor of each county a sufficient number of copies of the circular letter provided for by section sixth of "An Act concerning the office of Surveyor General," approved March twentieth, eighteen hundred and sixty-five, for the use of the County Assessor of the county, and said Auditor shall deliver the same to the Assessor on or before the second Monday of March of each year.

Statement of Assessor, what to contain.

3009. SEC. 3. It shall be the duty of each County Assessor, at the time he delivers to the Clerk of the Board of Equalization his assessment roll, to deliver also a written report to the County Auditor of the following matters within his county:

First—The number of acres in agriculture, and the approximate amount of agricultural, grazing, and timber lands;

Second—The number of horses, mules, jacks, jennies, cattle, sheep, goats, and swine;

Third—The aggregate quantity of wheat, rye, maize, potatoes, grapes, and other agricultural products of the preceding year;

Fourth—A statement of the approximate quantity of mineral lands in such county, and the approximate quality and value of such;

Fifth—The number of mills, manufactories, distilleries, and breweries, classifying each; and the number and length of all flumes and water ditches used to convey water for mining, manufacturing, or agricultural purposes;

Sixth—He shall also report such other matters as may be required by the annual circular of the Surveyor General; and for such report he shall be allowed such a sum as may be fixed by the Board of County Commissioners, not exceeding the sum of fifty dollars; and until the delivery of such report the last month's salary or wages of said Assessors shall be retained.

Auditor to forward report to Surveyor General.

3010. SEC. 4. Each of such County Auditors shall, immediately upon receiving the report of the County Assessor, provided for in this Act, forward the same, by mail or express, to the Surveyor General of the State.

Surveyor General and Controller to report to Legislature

3011. SEC. 5. The Controller of the State and the Surveyor General shall include in their annual reports to the Governor, a digest and synopsis, in tabular form, of all reports received by them under the provisions of this Act, and shall name therein the counties, if any, which have failed to make the report herein provided; and the Governor shall transmit said reports of the Controller and Surveyor General of the State to the Legislature.

Surveyor General's circular, what to include.

3012. SEC. 6. It shall be the duty of the Surveyor General to cause to be inserted in his annual circular letter, provided for in section six of "An Act concerning the office of the Surveyor General," approved March twentieth, eighteen hundred and sixty-five, so much of this Act as shall give the County Assessors knowledge of the duties required of them by this Act, and he shall cause to be printed an appropriate set of blanks for the use of such Assessors in reporting uniformly the matters required of them by this Act, and shall forward a sufficient number of such blanks to the County Auditor at the time of sending his circular letter, as in this Act provided. And the said Auditors, at the time of delivering said circulars, shall deliver to said Assessors the necessary blanks, as provided for in this Act.

Blanks to Assessors and Auditor.

Printing, cost of.

3013. SEC. 7. The costs of printing by this Act required shall be audited by the Controller of State, and allowed and paid in the same manner as provided by law for other printing.

Assessors to gather information for reports.

3014. SEC. 8. It is hereby required of the County Assessors, and all Deputy County Assessors, that the information required of them by this Act shall be gathered and collected at the time they make their annual assessment for taxation, as required by law, and shall be gathered by diligent and personal inquiry; and each of them shall certify to said reports of statistical information, that the same has been so gathered, and is as full and complete as can reasonably be made.

CHAPTER XC.

OF COUNTY ASSESSORS AND THEIR DUTIES.

SECTION 3015. Election of.
3016. Term of office.
3017. Bond and oath of office.
3018. Vacancy, how filled.
3019. Deputies; proviso.
3020. Punishment for neglect of duties.
3021. Suit on bond.
3022. To administer oaths.

POLL TAXES.

3023. Assessors to pay over monthly.

An Act providing for the election of County Assessors in the several counties of this State, and defining their duties.

[Approved March 9, 1865, p. 345.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Election of. 3015. SECTION 1. At the election for county officers held in the several counties of this State, in the year eighteen hundred and sixty-six, and at such election every two years thereafter, there shall be elected by the qualified electors of each county a County Assessor.

Term of office. 3016. SEC. 2. The term of the County Assessor shall commence on the first day of January next succeeding his election, and continue for two years thereafter, and until his successor is elected and qualified.

Bond and oath of office. 3017. SEC. 3. Each County Assessor, before entering upon the duties of his office, shall execute to the people of the State of Nevada a bond in the penal sum of five thousand dollars, with two or more sufficient sureties, to be approved by the Board of County Commissioners, and filed in the office of the County Clerk, conditioned for the faithful performance of all the duties of his office required by law; and shall take the oath of office as prescribed by law, which shall be indorsed on his certificate of election or appointment.

Vacancy, how filled. 3018. SEC. 4. In case of a vacancy in the office of the County Assessor, or failure of any County Assessor to qualify as required in this Act, the Board of County Commissioners shall appoint some suitable person possessing the qualifications of an elector, residing within such county, to fill the vacancy; and the person thus appointed shall give bond and take the like oath that is required of Assessors elected by the people, and shall hold his office until the next general election, and until his successor is elected and qualified.

Deputies. 3019. SEC. 5. Said Assessor shall have the power of appointing one or more deputies, to aid him in his official duties, for whose conduct he shall be responsible; *provided*, that the Assessor, before he shall appoint a deputy or deputies, shall divide the county into convenient districts, of which division notice shall be given to the Board of County Commissioners of said county; *and, provided further*, that the Board of County **Proviso.** Commissioners may fix the number of days for which pay shall be allowed any deputy for assessing a district.

Punishment for neglect of duties. 3020. SEC. 6. If any Assessor or Deputy Assessor shall be guilty of neglect of any of the duties enjoined on him by law, he shall be liable to indictment in any Court of competent jurisdiction, and fined in any sum not exceeding five hundred dollars.

Suit on bond. 3021. SEC. 7. Suit may be instituted on the Assessor's bond, in the manner prescribed by law, for the benefit of any person who may be aggrieved by the wrongful act or conduct of such Assessor or his deputy.

To administer oaths. 3022. SEC. 8. The Assessor and his deputies are hereby authorized to administer all oaths and affirmations contemplated by law, in the discharge of their duties as such Assessors.

An Act to require Assessors to pay over to the County Treasurer monthly all poll taxes collected.

[Approved February 4, 1873, p. 54.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Assessors to pay over monthly. 3023. SECTION 1. In addition to the duties of the Assessor, as now prescribed by law, the Assessors of the several counties in this State shall, on the first Monday in each month, pay over to the County Treasurer all moneys in his hands collected as poll taxes, less his commission of ten per cent, and take duplicate receipts therefor, and file one of them with the County Auditor.

CHAPTER XCI.

OF PUBLIC ADMINISTRATORS.

SECTION 3024. Public Administrators to be elected; Coroner; oath and bond; new or additional bond.
3025. Duty to administer; how paid.
3026. To make verified report to District Judge.
3027. To pay over money on order of Court, etc.
3028. Not to be interested in expenditures.

SECTION 3029. Penalty for misdemeanor in office.
3030. Information to be given to Public Administrators respecting estates, etc.
3031. How governed.
3032. How governed, when acting as Coroner.
3033. May qualify, as provided in this Act.
3034. Money paid into the State Treasury, how recovered; costs; when money placed in School Fund.
3035. Not required to make formal application for letters, etc.

An Act concerning the office of Public Administrators, and the estates of deceased persons.

[Approved April 4, 1867, p. 172.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Public Administrators to be elected, etc.

3024. SECTION 1. There shall be elected in each organized county of this State, at the general election in A. D. eighteen hundred and sixty-eight, and each alternate year thereafter, a Public Administrator, who shall be ex officio Coroner in and for his county. Each Public Administrator hereafter elected shall take the constitutional official oath, and give such official bond as shall be, in amount, required and fixed by an order duly entered upon their journal of proceedings by the Board of Commissioners of the county, to be conditioned, secured, approved, filed, and recorded as the bonds of other county officers are, or may be required by law to be; and shall be so conditioned as to hold the principal and sureties liable for any breach thereof made while acting, or illegally refusing to act, in either official capacity. The official oath shall be for the faithful performance of the duties of both offices, and shall be taken and subscribed upon both the certificate of election (or appointment, if appointed to fill a vacancy, as hereinafter provided,) and the official bond; and that upon the bond shall be recorded with it; *provided*, the official bond of no Public Administrator shall be less than two thousand dollars; *and, provided further*, that the County Commissioners may, upon reasonable cause therefor shown, require, at any time, a new bond or an additional bond to be given, upon ten days' notice in writing; and if not so given, shall thereupon declare the office vacant, and fill the vacancy, by appointment, for the remainder of the term; and shall, in like manner, fill a vacancy in said office arising from any other cause. Any person appointed to the office of Public Administrator shall, within ten days thereafter, qualify in the same manner as if elected thereto. Every person elected to fill said office shall qualify as in this section required, on or before the first Monday of January next after his election, and shall on that day enter upon the discharge of his official duties.

Duty to administer.

3025. SEC. 2. The Public Administrator of each county shall have the right, and it is hereby made his duty, to administer according to law, upon the estate of any person who died intestate in, or was at the time of his or her death, a resident of the county, or had assets therein, not administered on in some other county, or of a deceased stranger, or of a deceased testate, when no executor is appointed, or if appointed, fails to qualify; unless administered upon within one month after death of the testate, or within the time provided by law for an intestate, by a relative, by blood or marriage, within the fourth degree of consanguinity or legal relation. For such administration, he shall be paid as other administrators or executors are paid. How paid.

3026. SEC. 3. Each Public Administrator shall, on the first Monday in January and July in each year, and at the termination of his official duties, make a verified written report to the District Judge having jurisdiction in the premises, of all estates of deceased persons which have officially passed into his hands, the value of the same, the expenses, if any, paid thereon, and the balance of property, effects, or money, if any, remaining in his hands; and the Judge to whom such report is made shall cause it to be made public, by publication or by posting, as he may deem just and right. To make verified report to District Judge.

3027. SEC. 4. Each executor, administrator, and Public Administrator, on final settlement of an estate and proper order of the Conrt having jurisdiction in the matter thereof, or before final settlement upon the regular order of the Court aforesaid, shall pay over all moneys of such estate to the lawful heirs, or legatees, or devisees thereof, and if there be none of either, then to the County Treasurer; and the County Treasurer shall pay the same to the State Treasurer; and if the same be escheated to the State, the State Treasurer shall place the same in the Fund devoted and pledged to educational purposes. To pay over money on order of Court, etc.

3028. SEC. 5. No Public Administrator shall be interested, in any wise, in any expenditures of any kind, made on account of any estate of a deceased person, upon which he is administering, save as necessarily made in the due course of such administration; nor shall he be associated in business with any one so interested; and he shall state in his semi-annual reports that he has not been so interested or associated. Not to be interested in expenditures.

3029. SEC. 6. For any willful misdemeanor in office any Public Administrator may be indicted, tried, and, if found guilty, fined in any sum not exceeding two thousand dollars, and removed from office; but such fine and removal shall not bar any existing right of civil action upon his official bond. Penalty for misdemeanor in office.

3030. SEC. 7. It shall be the duty of all persons, especially of all civil officers, to give all information in their possession to Public Administrators respecting estates, and the property and condition thereof, upon which no other person has then administered. Public Administrators may, and it is hereby made their official duty to institute, maintain, and prosecute all necessary actions, at law and in equity, for the recovery and for the protection of the property, debts, papers, or other estate of any deceased person upon whose estate they may be administering. Information to be given to Public Administrators respecting estates, etc.

3031. SEC. 8. Except as in this Act otherwise provided, Public Administrators, in administering upon estates, shall be governed by the same rules and laws by which other administrators or executors are. How governed.

How governed, when acting as Coroner.

3032. SEC. 9. Public Administrators, when acting ex officio as Coroners, shall be governed by the same laws by which Justices of the Peace have been, when so acting; and shall receive the same fees allowed heretofore for such services. (a)

(a) For the law governing Coroners, see Sec. 3036, et seq.

May qualify, as provided in this Act.

3033. SEC. 10. The Public Administrators elected on the sixth day of November, eighteen hundred and sixty-six, may qualify, as provided in this Act, within thirty days after its approval; and they shall, immediately after so qualifying, enter upon the discharge of their official duties, and shall continue in office until the first Monday in January, eighteen hundred and sixty-nine, and thereafter, until their successors shall have been duly elected and qualified.

Money paid into the State Treasury, how recovered.

3034. SEC. 11. Any money paid into the State Treasury under the provisions of this Act, excepting from an escheated estate, may be recovered by the rightful heirs or legatees thereof, in the following manner: Such heir or heirs, legatee or legatees, may present their claim therefor to the District Court which had jurisdiction of the final settlement of the estate to which such money belonged, and make proof of the validity of such claim, after notice given to the Attorney General of the State, to the satisfaction of such Court, under such rules as it may prescribe. If satisfied on the hearing that such claimant or claimants are rightfully entitled to the same, the Court shall enter a decree that such money be paid to him or them; such decree shall then be certified to the State Board of Examiners, stating the amount thereby found to be due, and the said Board shall allow the same, certify it to the Controller, who shall draw his warrant therefor on the Treasurer, who shall pay the same; *provided*, no proceedings shall be maintained under the provisions of this section of this Act, unless commenced within two years next after the final settlement of the estate to which they relate; *and, provided further*, that all costs of such proceedings shall be paid by the applicant or applicants. If not applied for within two years, as above provided, or if applied for and not obtained, such moneys shall then be placed in the Irreducible School Fund of the State.

Costs.

When money placed in School Fund.

Not required to make formal application for letters, etc.

3035. SEC. 12. Public Administrators are authorized to administer on the estates of any deceased person in any case where by law he is entitled to administration by virtue of his office, and shall not be required to make formal application for letters of administration; nor shall he be required to file or have approved any bond except as such Public Administrator, in any case; *provided*, that the bonds of any Public Administrator may be increased as provided in this or other Acts.

CHAPTER XCII.

OF CORONERS.

SECTION 3036. Inquest; to summon jurors.
3037. Neglecting to appear when summoned; forfeiture.
3038. Jurors, oath of.
3039. Witnesses.
3040. Witness may be attached.
3041. Verdict, what to state.
3042. Testimony.
3043. To secure arrest.
3044. Warrant of Coroner may be served in any county.
3045. Money and property of deceased.
3046. Disposition of moneys.
3047. Same.
3048. Same.
3049. Burials, expenses of.

OFFICE OF CORONER IN STOREY COUNTY.

3050. Office created.
3051. Bond.
3052. Duties.
3053. Same.
3054. Appointment of Coroner.
3055. Acts repealed.

An Act concerning Coroners.

[Approved November 28, 1861, p. 129.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

SECTION 1. (a)

(a) Sec. 1 authorized Justices of the Peace to act as Coroners. Public Administrators made ex officio Coroners by Act of April 4, Stats. 1867, p. 172. Sec. 3024 et seq.

Inquest.

3036. SEC. 2. When a Justice of the Peace, acting as Coroner, has been informed that a person has been killed, or committed suicide, or has suddenly died under such circumstances as to afford reasonable ground to suspect that the death has been occasioned by unnatural means, he shall go to the place where the body is, and summon no less than six nor more than twelve persons, qualified by law to serve as jurors, to appear before him forthwith, at the place where the body is, to inquire into the cause of the death.

To summon jurors.

Neglecting to appear when summoned.

3037. SEC. 3. Every person summoned as a juror who shall fail to appear without having a reasonable excuse, shall forfeit

Forfeiture. any sum not exceeding one hundred dollars, to be recovered by the Justice of the Peace acting as Coroner, in his official capacity, in any Court of competent jurisdiction, and paid by him into the County Treasury.

Jurors, oath of. 3038. SEC. 4. When six or more of the jurors attend, they shall be sworn by the Justice of the Peace, acting as Coroner, to inquire who the person was, and when, where, and by what means he came to his death, and into the circumstances attending his death, and to render a true verdict thereon, according to the evidence.

Witnesses. 3039. SEC. 5. The Justice of the Peace, acting as Coroner, may issue subpœnas for witnesses, returnable as he may direct, and served by himself, or such person as he may direct. He must summon and examine as witnesses every person who, in his opinion, or that of any of the jurors, has any knowledge of the facts, and he may summon a surgeon or physician to inspect the body.

Witness may be attached. 3040. SEC. 6. Any witness failing to obey the subpœna of the Justice of the Peace, acting as Coroner, may be attached and fined for contempt of such jury, in like manner as in a Justice's Court.

Verdict, what to state. 3041. SEC. 7. After inspecting the body and hearing the testimony the jury shall render their verdict, and certify the the same by an inquisition in writing, signed by them, and setting forth the name of the deceased, when, where, and by what means he came to his death; if by criminal means, the name of the person causing the death.

estimony. 3042. SEC. 8. The testimony at such inquest shall be reduced to writing by the Justice of the Peace acting as Coroner, or as he may direct, and by him, without delay, filed in the office of the District Court of the county.

To secure arrest. 3043. SEC. 9. If the jury find that the person was killed by another, under circumstances not excusable or justifiable in law, and the party committing the act be not in custody, the Justice of the Peace acting as Coroner shall issue a warrant, signed by him with his name of office, for the arrest of the accused.

Warrant of Coroner may be served in any county. 3044. SEC. 10. The warrant of the Justice of the Peace acting as Coroner, may be served in any county of the State, and returned by the officer serving before a magistrate of the county in which it is issued; the officer receiving such warrant shall have the same power under the warrant as by virtue of a warrant from any Court or magistrate of the State.

Money and property of deceased. 3045. SEC. 11. It is hereby made the duty of the Justice of the Peace acting as Coroner to deliver without delay to the Treasurer of the county, any money or property which may have been found with the deceased, unless taken from his possession by legal authority; and if the Justice of the Peace acting as Coroner fail to pay or deliver such money or property to the Treasurer, the Treasurer may recover the same by action at law.

Disposition of moneys. 3046. SEC. 12. Upon payment of money into the Treasurer's office, in such case he shall place it to the credit of the county. If it be property, he shall proceed, upon reasonable notice, to sell the same at public sale, and place the proceeds to the credit of the county.

3047. SEC. 13. If the money be demanded within six years, the Treasurer shall pay the same to the person legally authorized to receive it, after deducting the expenses of the inquest, and of the county in the matter, but the same may be paid at any subsequent time to the representatives of the deceased, upon an order from the tribunal invested with the power to allow claims against the county. Same.

3048. SEC. 14. The Justice of the Peace acting as Coroner shall, before his claim is allowed for such inquest, file with such claim an affidavit, setting out the amount of money or property found with the deceased, and the disposition of the same by him. Same.

3049. SEC. 15. After the inquest, if no one take charge of the body, it shall be the duty of the Justice of the Peace acting as Coroner to cause the same to be decently buried, and pay the expense thereof from any money found with the deceased; if no such money is found, then the same shall be charged against the county. The Justice of the Peace acting as Coroner shall receive the sum of five dollars out of the County Treasury for attending the burial of such body. Burials, expenses of.

An Act creating the office of Coroner of the county of Storey, and defining his duties. [a]

[Approved February 20, 1864, p. 138.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

3050. SECTION 1. The office of Coroner is hereby created for the County of Storey. Office created.

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[a] The Act of April 4, Stats. 1867, p. 172, makes Public Administrators ex officio Coroners. See Sec. 3024.

3051. SEC. 2. Said Coroner shall, before entering upon the discharge of the duties of his office, take the oath prescribed by law, and give a bond in the sum of five thousand ($5,000) dollars, for the faithful discharge of his duties as such Coroner, which bond shall be approved by the Probate Judge of said County of Storey. Bond.

3052. SEC. 3. Said Coroner shall perform all the duties required of, and have the same powers as the Justice of the Peace, acting as Coroner, prescribed in the Act entitled "An Act concerning Coroners," approved November twenty-eighth, eighteen hundred and sixty-one, for the said county. Duties.

3053. SEC. 4. Said Coroner shall perform the duties of Sheriff in Storey County in all cases where the Sheriff is interested, or otherwise incapacitated from serving, and also in cases of vacancy, by death, resignation, or otherwise, in the office of Same.

Sheriff, the Coroner shall discharge the duties of such office until a Sheriff is elected and qualified. (a)

(a) From Secs. 4 and 6 it would appear that the Coroner (Public Administrator) acts instead of Elisor in Storey County.

Appointment of Coroner. 3054. SEC. 5. Immediately after the passage of this Act, the Commissioners of Storey County shall appoint a Coroner, who shall hold his office until the general election in September, eighteen hundred and sixty-five, and until his successor is elected and qualified.

Acts repealed. 3055. SEC. 6. So much of an Act entitled "An Act concerning Coroners," approved November twenty-eighth, eighteen hundred and sixty-one, and an Act entitled "An Act providing for the appointment of Elisors," approved December tenth, eighteen hundred and sixty-two, as conflicts with this Act, is hereby repealed, so far as the same may affect the County of Storey.

CHAPTER XCIII.

OF COUNTY SURVEYORS AND SURVEYING.

SECTION 3056. Office created.
3057. Bond of.
3058. Deputies.
3059. Certificate of, to be evidence.
3060. Surveys, when by other persons.
3061. Vacancy.
3062. Duties of Surveyor.
3063. Record of surveys.
3064. Surveys, how expressed.
3065. Neglect of duties.
3066. Fees.

An Act to regulate surveyors and surveying.

[Approved November 29, 1861, p. 267.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

Office created. 3056. SECTION 1. That the office of County Surveyor be and is hereby created; and that there shall be a County Surveyor, to be elected in each county by the qualified electors thereof at the general election, whose term of office shall be two years, and until his successor in office shall be qualified; *provided*, that the County Surveyors elected in the year A. D. eighteen hundred and sixty-two shall hold their offices for two years thereafter, and until their successors shall qualify; and said Surveyors shall keep their offices at the county seats of their respective counties, and shall qualify on or before the first Monday in October following their election. [As amended December 17, Stats. 1862, p. 32.] ([a])

(a) For elections of County Surveyor, etc., see Sec. 2599.

3057. SEC. 2. Each County Surveyor, upon entering upon the duties of his office, shall take and subscribe to the oath of office, and give bonds and security, to be approved by the Probate Judge of said county, in the sum of five thousand [$5,000] dollars. ([b]) Bond of.

(b) Bond to be approved by County Commissioners, see Sec. 2921.

3058. SEC. 3. The County Surveyor may appoint Deputy Surveyors, who shall severally take and subscribe to the oath of office, and for the faithful performance of whose duties he shall he responsible. Deputies.

3059. SEC. 4. The certificate of the County Surveyor, or any of his deputies, shall be submitted as legal evidence in any Court of this State; but the same may be subject to be rebutted by other evidence. Surveys made by the mutual consent of parties may also be admitted as legal evidence in any Court of this State; *provided*, this section shall not be so construed to exclude the testimony of other surveyors or engineers. Certificate of, to be evidence.

3060. SEC. 5. When it shall appear that the County Surveyor is interested in any tract of land, the title of which is in dispute before any Court, and a survey of which is necessary, the Court shall direct the survey to be made by some capable and disinterested person, who shall return such survey on oath or affirmation, and shall receive for his services the same fees as the County Surveyor would be entitled to for similar services. Surveys, when by other persons.

3061. SEC. 6. During a vacancy in the office of County Surveyor of any county, the Probate Judge of such county may appoint some competent person to perform the duties of Surveyor until such vacancy shall be filled in the manner prescribed by law. Vacancy.

3062. SEC. 7. It shall be the duty of said County Surveyor, either by himself or one of his deputies, to execute any survey that may be required by order of any Court, or upon the application of any individual or corporation. Duties of Surveyor.

3063. SEC. 8. He shall keep a correct and fair record of all surveys made by him or his deputies, in a book to be provided by the county for that purpose, which shall be transmitted to his successors in office; he shall also number such surveys progressively, and shall preserve a copy of the field notes and calculations of each survey, indorsing thereon its proper number; a copy of which, and also a fair and accurate plat, together with the certificate of survey, shall be furnished by him to any person requiring the same, upon payment of the fees allowed by law. Record of surveys.

3064. SEC. 9. In all surveys the courses shall be expressed according to the true meridian; and the variation of the magnetic meridian from the true meridian shall be expressed on the plat, with the year, month, and day of the survey. Surveys, how expressed.

SEC. 10. [Repealed 1865, p. 344; see Sec. 167, ante.]

Neglect of duties.

3065. SEC. 11. Any County Surveyor who shall fail, or refuse, to perform any of the duties required of him by this Act, shall be fined by any Court of competent jurisdiction, in a sum not exceeding five hundred dollars.

Fees.

3066. SEC. 12. Each County Surveyor shall be allowed such fees as are provided by law.

SEC. 13. [Made survey evidence of possession for one year.] Repealed, Stats. 1865, p. 344; see Sec. 167, ante.

CHAPTER XCIV.

OF THE APPOINTMENT OF DEPUTIES OF MINISTERIAL OFFICERS.

SECTION 3067. Officers' deputies.
3068. Responsible for compensation; bonds of deputies.
3069. Appointments, how made.

An Act authorizing ministerial officers to appoint deputies.

[Approved February 19, 1864, p. 143.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

Officers' deputies.

3067. SECTION 1. All Prosecuting Attorneys, County Recorders, Clerks of the several District Courts, County Clerks, Sheriffs, Assessors, Collectors of Taxes, and Constables, are hereby authorized to appoint deputies, who shall have power to transact all official business appertaining to said officers, to the same extent as their principals.

Responsible for compensation. Bonds of deputies.

3068. SEC. 2. Said officers shall be responsible for the compensation of said deputies, and shall be responsible on their official bonds for all official malfeasance or nonfeasance of the same. Bonds for the faithful performance of their official duties may be required of said deputies by said principals.

Appointments, how made.

3069. SEC. 3. All appointments of deputies under the provisions of this Act shall be in writing, and shall, together with the oath of office of said deputies, be filed and recorded in a book provided for that purpose in the office of the Recorder of the county within which the principal legally holds and exercises his office. Revocations of such appointments shall also be filed and recorded as herein provided. From the time of the filing of said appointments or revocations therein, persons shall be deemed to have notice of the same.

DEPUTY COUNTY ASSESSOR'S TERM—LIABILITY OF SURETIES.—Where a County Assessor, on April 5th, 1867, made a writing appointing a deputy, which, with the oath of office, was recorded as required by statute (Stats. 1864, p. 134), and the deputy gave a bond for the faithful performance of the duties of his office as such deputy during his continuance therein; and on May 9th, 1868, the Assessor made a new writing of appointment of the same person, which, with a new oath attached, was recorded, but no new bond given: *Held*, that the second writing did not create a new term of office, and that the sureties on the bond were responsible for a defalcation of the deputy occurring at any time during the continuance of his office, though after the date of the second writing.—Kruttschnitt v. Hauck, 6 Nev., p. 163.

POWER OF COUNTY ASSESSORS TO APPOINT DEPUTIES.—The power of the County Assessor to appoint deputies (Stats. 1864, p. 143; 1864-5, p. 345,) is limited only by the statutory provision (Stats. 1864-5, p. 346,) that before such appointment he shall "divide the county into convenient districts, of which division notice shall be given to the Board of County Commissioners."—Id.

TERM OF LIABILITY ON BOND OF DEPUTY ASSESSOR.—Where the sureties on the official bond of a Deputy Assessor obligated themselves for the faithful performance by the officer of the duties of said office "during his continuance therein:" *Held*, that the obligation of the sureties was general, for a term solely dependent upon the will of the Assessor, and which would continue, unless revoked, during his entire term.—Id.

CHAPTER XCV.

OF COUNTY COMMISSIONERS, THEIR ELECTION, DUTIES, AND POWERS.

SECTION 3070. Commissioners, when elected and terms of office; proviso; when Board may be increased in number; vacancies, how filled.
3071. Qualification and terms of office; provisos.
3072. Meetings, where and when held.
3073. Special meetings.
3074. Quorum; Clerk; absence of Chairman.
3075. Compensation of Clerk.
3076. Records to be kept at office of Clerk.
3077. Powers and jurisdiction of Board.
3078. Allowance of demands.
3079. Copy of order of allowance; proceedings when Auditor refuses to allow.
3080. Duties of Auditor.

SECTION 3081. Indebtedness to be deducted.
3082. Canvassers.
3083. May require new bonds of officers.
3084. To publish statement of finances.
3085. Not to incur expense to exceed revenue.
3086. Compensation; proviso; not to be allowed compensation for services on committee.
3087. Board to fill vacancy in county and township offices.
3088. Duty of District or Prosecuting Attorney.
3089. District or Prosecuting Attorney not to advocate claims.
3090. Who may oppose allowance.
3091. Penalty for being interested in contracts, etc.
3092. When suit may be brought against county.
3093. Unaudited claims, when to be presented.
3094. Provisions of last section to be complied with.
3095. Rejected claims.
3096. Seal.
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COMMISSIONERS TO APPORTION REVENUE.

3100. Apportionment of moneys.
3101. Not to interfere with special Fund.
3102. Duty of Treasurer.

APPLICATION OF CONTINGENT FUND.

3103. Unlawful to pay fees, etc., out of Contingent Fund.
3104. Misdemeanor; penalty.

COMMISSIONERS TO ADVERTISE CONTRACTS.

3105. When County Commissioners to advertise contracts to be let; what to state in the notice; notice to be published; notice to be posted; contracts to be let to the lowest bidder.

COMMISSIONERS MAY OFFER REWARDS.

3106. County Commissioners may offer rewards in certain cases; proviso; order to be made offering rewards.
3107. Rewards, how paid.

An Act to create a Board of County Commissioners in the several counties of this State, and to define their duties and powers.

[Approved March 8, 1865, p. 257.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Commissioners, when elected and terms of office.

3070. SECTION 1. At the general election of the several counties in this State, in A. D. eighteen hundred and seventy, by the qualified electors of each county, a Board of County Commissioners, to consist of three members, shall be elected, to possess such qualifications and to have such powers as hereinafter provided; *provided,* that in any county where, at the last general election, there were polled four thousand or more votes, such Board shall consist of five members. At the general election in A. D. eighteen hundred and seventy, and at such election held every two years thereafter, there shall be elected in such county one Commissioner to serve upon the Board of County Commissioners for the term of four years; and a term of four years shall be known both in this Act, and for the purpose of the election of County Commissioners, as the long term; and the other Commissioner or Commissioners, as the case may be, necessary to fill the Board, shall, at said election, be elected to serve upon the Board for the term of two years; *provided*, that in any county or counties which are or shall be under the provisions of this Act entitled to a Board consisting of five County Commissioners, two of the Commissioners shall be elected to serve upon the Board for the long term. In any county wherein at the last or any future general election there were or shall be polled for the first time four thousand or more votes, the Board shall be increased to five members by appointment of the Governor, and such appointees shall hold their offices until the first Monday of January following the then next general election; and and at such next general election in such county or counties, five County Commissioners shall be elected as provided in this section of this Act. Any vacancy or vacancies occurring in any Board of County Commissioners shall be filled by appointment of the Governor, and such appointee or appointees shall hold his or their offices until the first Monday of January following the then next general election, except as provided otherwise in this Act. [As amended February 27, Stats. 1869, p. 92.]

Proviso.

When Board may be increased in number.

Vacancies, how filled.

3071. SEC. 2. Said Commissioners shall be qualified electors of their respective counties, and shall enter upon their duties on the first Monday of January succeeding their election, and shall hold their offices two or four years, as the case may be, as provided in this Act; and the term of office of two years or four years, as the case may be, shall expire at twelve o'clock P. M. of the day preceding the first Monday in January following a general election. No county or township officer shall be eligible to the office of Commissioner. (a) On entering upon the discharge of the duties of his office, each Commissioner, whether elected or appointed under the provisions of this Act, shall take and subscribe to the oath of office as prescribed by law; *provided*, that in case such Commissioner shall neglect or refuse, during the period of fifteen days from and after the first Monday of January succeeding his election, to take the oath of office as herein directed, his office shall be deemed vacant, and such vacancy shall be filled by appointment as provided in section one of this Act; *and, provided further*, that the term of office of a person appointed to the office of County Commissioner shall not by virtue of the appointment extend beyond the hour of twelve o'clock P. M. of the day preceding the first Monday of January next following a general election. [As amended February 27, Stats. 1869, p. 92.]

Qualification and terms of office.

Provisos.

(a) Under this provision, is a County Commissioner eligible to reëlection?

Meetings, where and when held. 3072. SEC. 3. The meetings of the Board of County Commissioners shall be held at the county seats of their respective counties, on the first Mondays of January, April, July, and October, of each year, and shall continue from time to time, until all the business before them is disposed of. The Board shall also meet on the tenth day after each general election, to canvass election returns. (1)

(1) The Board of County Commissioners is not a Court, as Courts are defined in the Constitution. And such bodies may lawfully meet and transact business on the first day of January.—Brumfield v. Board of Commissioners of Douglas Co., 2 Nev., p. 65.

Special meetings. 3073. SEC. 4. If, at any time after the final adjournment of a regular meeting, the business of the county shall require a meeting of the Board, a special meeting of the same may be ordered by a majority of the Board. The order shall be entered on the records of the Board, and the Clerk shall give at least five days notice of such special meeting to any member of the Board not joining in the order; and shall give notice for one week, by publication in a newspaper, if one be published in the county; if none, by notice posted on the Court House door. The order shall specify the business to be performed, and no other shall be transacted at such special meeting.

Quorum. 3074. SEC. 5. A majority of the Board shall form a quorum for the transaction of business, and all sessions of the Board shall be public. They shall elect one of their number as Chairman of the Board, and the County Clerk shall be Clerk thereof. Clerk. The Clerk shall keep a full and complete record of all the proceedings of the Board, and all their proceedings shall be entered on the records. The record of each day's proceedings of said Board shall be signed by the Chairman and the Clerk. Absence of Chairman. In case the Chairman shall be absent at any meeting of the Board, all documents, records, or papers requiring the signature of the Board, shall be signed by the members present.

Compensation of Clerk. 3075. SEC. 6. The Clerk shall receive a compensation for his services of five dollars per day for each day actually employed; in no case to exceed one hundred dollars per annum in the aggregate, and no fee, or other compensation whatever, shall be allowed the Clerk for any service connected with the proceedings or business of the Board of County Commissioners.

Records to be kept at office of Clerk. 3076. SEC. 7. The books, records, and accounts of the Board shall be kept at the office of the Clerk of the Board, and shall, during business hours, be open to public inspection, free of charge.

Powers and jurisdiction of Board. 3077. SEC. 8. The Board of Commissioners shall have power and jurisdiction in their respective counties: First—To make orders respecting the property of the county in conformity with any law of this State, and to take care of and preserve such property. Second—To examine, settle, and allow all accounts legally chargeable against the county, in the manner provided in this Act; and to levy, for the purposes prescribed by law, such amount of taxes on the assessed value of real and personal property in the county as may be authorized by law; *provided*, the salary of the District Judge need not be audited by the Board, but the County Auditor shall, on the first day of each quarter year, draw his warrant on the County Treasurer in favor of the District Judge, for the amount due such Judge as salary for the quarter year preceding. (a) Third—To examine and audit the accounts of all officers, having the care, management, collection, or disbursement of any money belonging to the county or appropriated by law, or otherwise, for its use and benefit. Fourth—To lay out, control, and manage public roads, turnpikes, ferries, and bridges within the county, in all cases where the law does not prohibit such jurisdiction, and to make such orders as may be necessary and requisite to carry its control and management into effect. (1) Fifth—To take care of and provide for the indigent sick of the county, in such a manner only as is or may be provided by law. Sixth—To divide the county into townships and to change the divisions of the same, and to create new townships as the convenience of the county may require. Seventh—To establish, change, and abolish election precincts, and to appoint Inspectors and Judges of Elections. Eighth—To control and manage the property, real and personal, belonging to the county, and to receive, by donation, any property for the use and benefit of the county. Ninth—Lease or purchase any real or personal property, necessary for the use of the county; *provided*, no purchase of real property shall be made unless the value of the same be previously appraised and fixed by three disinterested persons, to be appointed for that purpose by the District Judge, who shall be sworn to make a true appraisement thereof, according to the best of their knowledge and ability. Tenth—To sell at public auction, at the Court House of said county, after at least thirty days previous public notice (in the same manner as required by law for the sale of like property on execution), and cause to be conveyed any property belonging to the county, appropriating the proceeds of such sale to the use of the same. Eleventh—To cause to be erected and furnished, a Court House, Jail, and such other public buildings as may be necessary, and to keep the same in repair; *provided*, that the contract for building the Court House, Jail, and other buildings, be let out, after at least thirty days previous public notice, as provided in subdivision ten of this section—in each case of a readiness to receive proposals therefor—to the lowest bidder, who will give good and sufficient security for the completion of any contract which he may make respecting the same. But no bid shall be accepted which the Board may deem too high. Twelfth—To control the prosecution or defense of all suits to which the county is a party; and to offer and allow rewards for the apprehension or conviction of defaulting or absconding county or township officers. Thirteenth—To do and perform all such other acts and things as may be lawful and strictly necessary to the full discharge of the powers and jurisdiction conferred on the Board. (2) [As amended February 11, Stats. 1871, p. 47.]

Same.

(a) Under this section, which was passed February 11, 1871, the Auditor is required to draw his warrant for District Judge's salary quarterly. Under the Act of March 1, 1869, Sec. 979, ante, the Auditor is required to draw his warrant monthly.

(1) The Legislature has an undoubted right to confer upon the County Commissioners the power to open roads, upon a proper compensation being made to those whose property is taken for such purpose, but until such compensation is made there is no power within the State which can legally appropriate the property of the citizen, except in certain cases mentioned in Sec. 2, Art. I, of the State Constitution.—Champion v. Sessions, 1 Nev., p. 417.

(2) County Commissioners being creatures of the statute, have no powers beyond those expressly granted by the Legislature. The statute not authorizing it, they cannot therefore issue a county warrant as collateral security for money borrowed. A warrant so issued would be utterly void.—Waitz v. Ormsby Co., 1 Nev., p. 370.

Money loaned to the Commissioners for the benefit of a county, may be recovered from the county, with legal interest thereon, if it is shown that it was appropriated to the execution of an act which it is made the duty of the Commissioners to perform, and the county has received the benefit of it. But nothing can be recovered which is not shown to have been expended for the use and benefit of the county, and for some purpose authorized by law.—Id.

The words "County Commissioners of Washoe County" following the names of the defendants in an action, are merely *descriptio personarum*, and are not in themselves sufficient to make it an action against the county.—Id.

EFFECT OF AUDITING AND ALLOWING A CLAIM AGAINST A COUNTY.—The auditing and allowing of a claim against a county gives the holder thereof no lien upon or right to any money in the treasury, or which may come into it; it is only the order or warrant of the Auditor which gives that right.—Humboldt Co. v. Com. of Churchill Co., 6 Nev., p. 30.

SPECIFIC APPROPRIATION OF COUNTY REVENUES.—The payment of all ordinary claims against a county is subject to any specific appropriation and setting apart of the county revenues for any designated purpose, unless such appropriation interfere with some prior vested right to the revenue.—Id.

LEGISLATIVE POWER—PREFERRING CLAIMS.—The Legislature undoubtedly has the power to direct that certain claims against a county shall have a preference over all others which are not so situated as to give the holder a vested right to money in or to come into the treasury.—Id.

POWERS OF COUNTY COMMISSIONERS LIMITED AND SPECIAL.—If the authority of the Board of County Commissioners, acting under limited and special powers, to do a particular thing, is questioned, their record must exhibit affirmatively all the facts necessary to give them authority to do such thing, otherwise the presumption is against their jurisdiction.—Ex rel. Swift v. Com. Ormsby Co., 6 Nev., p. 95.

POWERS OF COUNTY COMMISSIONERS SPECIAL AND LIMITED.—Boards of County Commissioners are of special and limited powers, and must always exercise their powers as prescribed, where such prescription is material.—Hess v. Com. of Washoe Co., 6 Nev., p. 104.

3078. SEC. 9. Every demand against the county, except the salaries of the Auditor and District Judge or Judges, shall be acted on by the Board of County Commissioners, and allowed or rejected in order of presentation, and must, after having been approved by the Board of County Commissioners, before it can be paid, be presented to the County Auditor to be allowed, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury is authorized by law, and out of what Fund. If he allow it, he shall indorse upon it the word "allowed," with the name of the Fund out of which it is payable, with the date of such allowance, and sign his name thereto, and draw his warrant on the County Treasury for the amount allowed. No demand shall be approved, allowed, audited, or paid unless each several item, date, and value composing it be indorsed upon the same, by the order of the Board of County Commissioners, together with a reference to the law, order, contract, or authority, by title, date, and section, authorizing the same. Allowance of demands

3079. SEC. 10. The County Auditor shall sign no warrant authorizing the payment of money by the Treasurer (except for the salary of the Auditor and District Judge or Judges), until a copy of the order of the Board of County Commissioners, allowing the amount, and ordering the payment thereof, together with the account, have been submitted to him, and his allowance indorsed on such order, unless the said Auditor shall refuse to audit and allow the same, in which latter case the order shall be presented to the Board of County Commissioners, with the refusal of the Auditor indorsed, and his reasons for such refusal; and should the Board order the issuance of such warrant, by a unanimous vote of all the members elected or appointed, the County Auditor shall immediately issue such warrants upon service upon him of a copy of such order of the Board, certified to by the Clerk of the Board, that all the members elect voted for its passage; otherwise, the account shall be declared rejected, and no warrant shall thereupon issue. And if said Auditor allow such account in part, a warrant shall only issue for such part, unless the Board, by a similar unanimous vote, allow a greater sum. No warrant shall be drawn by the Auditor on the County Treasurer on any Fund, unless the money be therein at the time to pay the same; and any warrant drawn contrary to this provision of this section shall be void for all purposes whatsoever. (a) Copy of order of allowance. Proceedings when Auditor refuses to allow.

(a) State, county, city, and township officers to take and file certain affidavit before any claims are allowed them. See Sec. 2695, ante.

3080. SEC. 11. The Auditor shall number and keep a record of all demands allowed, showing the number, date, date

Duties of Auditor.

of approval, amount, and name of the original holder, on what account allowed, and out of what Fund payable. The County Auditor is required to be constantly acquainted with the exact condition of the treasury, and every lawful demand upon it; and shall report to the Board of County Commissioners, at each regular meeting thereof, the condition of each Fund in the treasury. He shall keep a complete set of books for the county, which shall be open to the inspection of the public, free of charge, during business hours, in which shall be set forth in a plain and business like manner every money transaction of the county, so that he can, at any time when requested, tell the state of each Fund, where the money came from, to what Fund it belonged, and how and for what purpose it was expended, and also the collection made, and the money paid into the treasury by each and every officer.

Indebtedness to be deducted.

3081. SEC. 12. No demand upon the treasury shall be approved by the Board of County Commissioners or allowed by the Auditor in favor of any person or officer in any manner indebted to the county, without first deducting the amount of such indebtedness; nor to any person or officer having the collection, custody, or disbursement of public funds, unless his account has been duly presented, passed, approved, and allowed as required by law; nor to any officer who shall have neglected or refused to comply with any of the provisions of this or any other Act regulating the duties of such officer, on being required, in writing, to comply therewith by any member of the Board of County Commissioners.

Canvassers

3082. SEC. 13. The Board of County Commissioners shall also act as a Board of Canvassers, and declare election returns, and cause a certificate of election to be given by their Clerk to any person who shall be elected to any county or township office within their county; *provided*, that when the election shall be held for County Commissioners, the District Judge or Judges shall canvass and declare the election returns for such Commissioners, for which purpose all election returns shall be sealed and delivered, according to law, to the County Clerk, and by him opened in the presence of the District Judge or Judges, who shall declare the result as to County Commissioners, and the Clerk shall give to such person elected as County Commissioner a certificate of his election; and the Board of County Commissioners shall then canvass the returns as to other officers.

May require new bonds of officers.

3083. SEC. 14. The Board of County Commissioners shall, by an order to that effect entered upon the record, require new bonds of any county or township officer, with additional securities, whenever they deem the same necessary, and may require of all county or township officers, intrusted with the collection, management, safe keeping, or disbursement of public funds, a monthly report of all collections and disbursements made by them during the preceding month; and may at any time examine their books, accounts, and vouchers. They shall see that all the county and township officers intrusted with the collection, disbursement, safe keeping, or management of the public revenue, faithfully perform the duties imposed upon them by law, and shall cause them to be prosecuted for any delinquencies.

To publish statement of finances.

3084 SEC. 15. The Boards of County Commissioners shall, within sixty days after the passage of this Act, ascertain the amount of the existing debt of their respective counties, and the amount and condition of all revenue and property belonging to the county, and cause a statement of the same to be made out and published; and quarterly thereafter, the Board shall publish a statement of the receipts and expenditures of the three months next preceding, and the accounts allowed. Said publications shall be made by making one insertion of the statement in a newspaper published in the county, but if no newspaper be published in the county, then such publication shall be made by posting a copy of said statement at the Court House door, and at two other public places in the county.

Not to incur expense to exceed revenue.

3085. SEC. 16. The Board of County Commissioners shall not, for any purpose, contract debts or liabilities, except those expressly authorized by law; and whenever debts or liabilities shall have been created, which, added to the salaries of county officers and other estimated liabilities fixed by law for the remainder of the year, will equal the revenue of the county for current expenses, no allowance whatever shall be made of any account, nor shall any expense be incurred, other than the salaries and fees expressly authorized by law.

Compensation.

3086. SEC. 17. Each member of the Board of County Commissioners shall be entitled to receive for his services, for each day's necessary attendance, not including Sundays, on the business of the county, a sum to be fixed by the Board; said sum not to exceed in the aggregate, during any one year, six hundred dollars to each member of said Board; and he shall receive twenty cents per mile for each mile necessarily traveled in going to and returning from the county seat to attend any session of said Board; *provided*, that no charge shall be made for more than one trip going and returning from the residence of such Commissioner at each session held; *and, provided further*, that no Commissioner shall be allowed any compensation for services by reason of his being on any committee appointed by the Board, or for any other case except as hereinafter provided. [As amended February 27, Stats. 1869, p. 92.]

Proviso.

Not to be allowed compensation for services on committee.

SEC. 18. [Repealed February 27, Stats. 1869, p. 92.]

Board to fill vacancy in county and township offices.

3087. SEC. 19. When a vacancy shall occur in any county or township office, except the office of County Commissioner, the Board of County Commissioners shall appoint some suitable person, an elector of the county, to fill the vacancy until the next general election. (1)

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(1) An election cannot be held for an office at a time not fixed by law for such election.—State ex rel. Daggett v. Collins, 2 Nev., p. 351.

The phrase, "next general election," in the nineteenth section of "An Act to create a Board of County Commissioners," etc. (Laws of 1864-5), means the general election on alternate years, commencing with eighteen hundred and sixty-four, and has no reference to the election of eighteen hundred and sixty-five, which is, in some respects, to be held as a special election, interpolated on the general system of biennial elections.—Id.

Duty of District or Prosecuting Attorney.

3088. SEC. 20. The District or Prosecuting Attorney, when not engaged in the District Court, in the discharge of his official duties, shall attend the sittings of the Board of County Commissioners when engaged in auditing accounts and claims brought against the county, and in all cases shall oppose such accounts or claims as he may deem unjust, illegal, or extortionate.

District or Prosecuting Attorney not to advocate claims.

3089. SEC. 21. No District or Prosecuting Attorney, except for his own services, shall be allowed to present any claim, account, or demand for allowance against the county, or in any way to advocate the relief asked on a claim or demand made by another.

Who may oppose allowance.

3090. SEC. 22. Any person, being a resident and taxpayer of the county in which he resides, may appear before the Board of County Commissioners, and oppose the allowance of any claim or demand against the county.

Penalty for being interested in contracts, etc.

3091. SEC. 23. No member of the Board of County Commissioners shall be interested, directly or indirectly, in any property purchased for the use of the county, or in any purchase or sale of property belonging to the county, nor in any contract made by the county for the erection of public buildings, the opening or improvement of roads, or the building of bridges, or for other purposes; and a violation of this section shall be a misdemeanor, punishable by fine of not less than one hundred dollars and not exceeding five hundred dollars, and shall be cause for removal from office.

When suit may be brought against county.

3092. SEC. 24. No person shall sue a county in any case for any demand, unless he or she shall first present his or her claim or demand to the Board of County Commissioners, and County Auditor, for allowance and approval, and if they fail or refuse to allow the same, or some part thereof, the party feeling aggrieved may sue the county; and if the party suing recover in the action more than the said Board allowed, or offered to allow, said Board and Auditor shall allow the amount of said judgment and costs as a just claim against the county; but if the party suing shall not recover more than the Board and Auditor shall have offered to allow him or her, then costs shall be recovered against him or her by the county, and may be deducted from such demands.

Unaudited claims, when to be presented.

3093. SEC. 25. All unaudited claims or accounts against any county in this State, shall be presented to the Board of County Commissioners of said county, duly authenticated, within six months from the time such claims or accounts become due or payable; *provided*, nothing contained in this section shall be so construed as to prevent the presentation and auditing of any claim now due against any county in this State at any time within nine months from the passage of this Act. (1)

(1) Since the passage of the Act of 1864-5, no action can be maintained against a county upon a money demand until the claim is presented to the Commissioners and disallowed by

them, and a failure to allege such fact might be a fatal defect in the complaint. But where the relief sought by the plaintiff is not damages, but an injunction to prevent the Commissioners from committing an unlawful act, as the opening of a road through plaintiff's land without having compensated him, and which, if opened, would result in damages, no demand need be made.—Champion v. Sessions, 1 Nev., p. 417.

3094. SEC. 26. No claim or account against any county in this State shall be audited, allowed, or paid by the Board of County Commissioners, or any other officer of said county, unless the provisions of the last preceding section are strictly complied with. **Provisions of last section to be complied with.**

3095. SEC. 27. No claim which has once been presented and rejected, shall ever again be considered or allowed by the same, or any subsequently elected or appointed Board of County Commissioners of the same county. **Rejected claims.**

3096. SEC. 28. The seal of the county shall be the seal of the Board of County Commissioners. **Seal.**

3097. SEC. 29. The Commissioners are authorized and empowered to administer all oaths or affirmations necessary in discharging the duties of their offices. **Oaths.**

3098. SEC. 30. When a majority only of the members shall be present at the meeting of the Board, in case of a tie vote on any question, it shall be postponed to a subsequent meeting. **Tie vote.**

3099. SEC. 31. An Act of the Legislative Assembly of the Territory of Nevada, entitled "An Act creating Boards of County Commissioners, and defining their duties," approved November twenty-eighth, one thousand eight hundred and sixty-one, and all other parts of Acts in conflict with, or inconsistent with the provisions of this Act, are hereby repealed. [Stats. 1861, p. 125.] **Repeal.**

An Act authorizing the Board of County Commissioners of the several counties of this State, to apportion the county revenues.

[Approved March 10, 1865, p. 376.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3100. SECTION 1. The Boards of County Commissioners in the several counties of this State, shall apportion all the moneys coming into the County Treasury, or so much thereof as is not by law set aside into special Funds, as follows: Two thirds shall go into the General County Fund; one sixth, or so much thereof as may be necessary, shall go into the Indigent Sick Fund; and one sixth, or so much thereof as may be necessary, shall go into the Contingent Fund, to defray the contingent expenses of the county. Said apportionment shall be made, by **Apportionment of moneys.**

an order entered upon their records, at the first meeting of said Board after the passage of this Act. (1)

(1) Two thirds of the property tax of Washoe County must be placed in the General Fund. The law also provides how this Fund shall be paid out. The Commissioners have no authority to make a change in this respect.—People ex rel. Flack v. Co. Com. of Washoe Co., 1 Nev., p. 460.

Two thirds of the poll tax must also be paid into the General Fund; there is no authority for paying it all into the Indigent Sick Fund.—Id.

The law having appropriated one sixth of the revenue, or so much thereof as may be necessary, to the Indigent Sick Fund, and made a similar appropriation to a Contingent Fund. *Query:* If one sixth of the county revenue should be more than sufficient for either of these Funds, what is to be done with the surplus? Intimated that as to such surplus the Commissioners have a discretion to use it for any legitimate county purpose.—Id.

CONSTRUCTION OF STATUTES — "GENERAL FUND" OF COUNTY.—Under the Act of 1865, relating to the apportionment of county revenues (Stats. 1864–5, p. 376), the cost of the construction and repair of public roads and bridges may properly be considered such county expenditures as may be met by moneys in the "General Fund" of the county.—Webster v. Fish, 5 Nev. p. 190.

CONSTRUCTION AND REPAIR OF ROADS AND BRIDGES—POWERS OF COUNTY COMMISSIONERS AND AUDITOR.—Under the Act of 1865, relating to the apportionment of county revenues (Stats. 1864–5, p. 376), it is within the power of County Commissioners to authorize the payment of indebtedness incurred in the construction or repair of public roads and bridges, out of the "General Fund," and that of the County Auditor to draw warrants thereon for such indebtedness.—Id.

Not to interfere with special Fund.

3101. SEC. 2. Nothing in this Act shall be so construed as to authorize the said Board to disturb, or in any manner to interfere with any special Fund which has been or which may hereafter be created by law.

Duty of Treasurer.

3102. SEC. 3. It shall be the duty of the County Treasurers of the several counties of this State to apportion and pay into the Funds, as directed by said Board of County Commissioners, all moneys coming into their hands.

An Act amendatory of and supplemental to an Act entitled "An Act authorizing the Board of County Commissioners of the several counties of this State to apportion the county revenues," approved March tenth, eighteen hundred and sixty-five.

[Approved February 21, 1866, p. 74.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3103. SECTION 1. It shall not be lawful to pay, or order to be paid, any fees, per diem, or salary of any county officer or County Commissioner, out of the Contingent Fund of any county of this State, created by "An Act authorizing the Board of County Commissioners of the several counties of this State to apportion the county revenues," but such Contingent Fund shall only be applied to the payment of the legitimate contingent expenses of said counties. **Unlawful to pay fees, etc., out of Contingent Fund.**

3104. SEC. 2. Any County Commissioner who shall order the payment of any such fees, per diem, or salary, out of said Contingent Fund, and any County Auditor who shall draw his warrant on such Contingent Fund for the payment of such fees, per diem, or salary of any County Commissioner or other county officer, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not more than five hundred dollars, and be removed from office. **Misdemeanor.** **Penalty.**

An Act supplementary to an Act entitled "An Act to create a Board of County Commissioners in the several counties of the State, and to define their duties and powers," approved March eighth, eighteen hundred and sixty-five.

[Approved February 19, 1867, p. 59.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3105. SECTION 1. In letting all contracts of any and every kind, character, and description whatever, where the contract in the aggregate amounts to five hundred dollars or more, the County Commissioners shall advertise such contract or contracts to be let, stating the nature and character thereof—and when plans and specifications are to constitute part of such contract, it shall be stated in the notice where the same may be seen—in some newspaper published in their county, for the period of thirty days; in case the contract be for constructing any public building, then the advertisement shall be in that paper published in the county which is nearest the selected location for such building; and in case there shall be no newspaper published in their county, then by posting notices of the same in five (5) of **When County Commissioners to advertise contracts to be let, etc.**

the most conspicuous and public places in their county for the same period of time. All such contracts shall be let to the lowest responsible bidder, subject to the provisions of the twenty-third (23d) section of the Act to which this is supplementary.

An Act to authorize the County Commissioners of the several counties in this State to offer and pay rewards in certain cases.

[Approved March 3, 1869, p. 114.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

County Commissioners may offer rewards in certain cases.

3106. SECTION 1. Hereafter, when it shall come to the personal knowledge of the County Commissioners, or a majority thereof, of any of the counties in this State, that the crime of murder has been committed in said county, or whenever one or more of the residents of the county shall state in writing and under oath that such crime has been committed in the county, and that, to the best of their knowledge and belief, the person or persons, whether known or unknown, committing the crime, has or have not, at the time of making such statement, been apprehended or taken into custody, and the Board, from such statement or other evidence, believe that a murder has been committed, and that the offering of a reward would tend to cause the arrest of the perpetrator or perpetrators of the crime, the Board of County Commissioners, or a majority thereof, are authorized to offer a reward for the arrest and safe delivery of such criminal or criminals to the proper officers; *provided*, that in no case shall a reward be offered, as provided in this Act, for more than five hundred dollars in each case; and such offer shall expire so soon as the Board of County Commissioners offering the reward shall make an order to that effect, which they are authorized and empowered to do at any general session, or at a special session convened without notice, and shall cause the same to be entered in their minutes of proceedings. No reward shall be offered as herein authorized until after an order shall have been made by the Board and entered in the minutes of their proceedings, reciting the name of the person or persons murdered, and the amount of the reward offered, and the order shall have been approved by the Board and attested in the usual manner of attesting the minutes of their proceedings in other cases. ([a])

Proviso.

Order to be made offering rewards.

Rewards, how paid.

3107. SEC. 2. All claims for rewards, as provided for in the preceding section, shall be allowed and paid as other claims against the county, under the direction of the County Commissioners, as provided for by law.

(a) Commissioners may offer rewards for defaulting or absconding county or township officers. See Sec. 3077, ante.

CHAPTER XCVI.

OF POLICEMEN IN UNINCORPORATED CITIES AND TOWNS.

SECTION 3108. Tax authorized.
3109. Boundaries to be described.
3110. When assessed and collected.
3111. Police Department Fund.
3112. Moneys to be paid on order of Commissioners.
3113. Power of County Commissioners to use Fund.
3114. Warrant void.
3115. Intention of Act.
3116. Policemen, how appointed; special policemen; powers of policemen.
3117. Not to be in force unless a majority of electors petition; facts.
3118. Duty of County Commissioners.

An Act to provide Policemen in unincorporated cities, towns, and villages.

[Approved March 11, 1865, p. 396.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3108. SECTION 1. The Board of County Commissioners of the various counties of the State of Nevada are hereby empowered to levy and collect a tax, of not exceeding one fourth of one per cent upon the assessed value of property within any unincorporated city, town, or village, for the benefit of the police department of such city, town, or village. **Tax authorized.**

3109. SEC. 2. The Board of County Commissioners shall prescribe the boundaries within which such tax shall be collected; *provided*, that such boundaries shall not extend beyond the limits of such city, town, or village. **Boundaries to be described.**

3110. SEC. 3. Said tax shall be assessed and collected at the same time, and by the same officers, who assess and collect the State and county taxes, and under the same provisions of law, and shall be paid over to the County Treasurer. **When assessed and collected.**

3111. SEC. 4. The County Treasurer shall keep said moneys in a separate Fund, to be denominated the "Police Department Fund." **Police Department Fund.**

3112. SEC. 5. No money shall be paid out of the Police Department Fund, except by order of the County Commissioners. **Moneys to be paid on order of Commissioners.**

3113. SEC. 6. The Board of County Commissioners shall have power to use the Police Department Fund in paying the expenses of such police department within the boundaries of such city, town, or village, as prescribed by the said Commissioners. **Power of County Commissioners to use Fund.**

Warrant void.

3114. SEC. 7. Any warrant drawn on the Police Department Fund, when there is not sufficient money in the treasury to pay the whole amount of such warrant, shall be void.

Intention of Act.

3115. SEC. 8. This Act is intended to provide for the payment of such liabilities provided for by this Act as may accrue after its passage, and which may be audited and allowed by the Board of County Commissioners, and incurred in maintaining a police department in any unincorporated city, town, or village, desiring to avail itself of the benefits of this Act, and not for the payment of any liabilities accruing before the passage of this Act.

Policemen, how appointed.

3116. SEC. 9. The Sheriff of any county is hereby empowered and required to appoint policemen, not exceeding two in number, in any unincorporated city, town, or village, and to fix their compensation, not exceeding one hundred dollars per month; and said Sheriff may, at any time, remove such policemen, and appoint others in their place, whenever he shall deem it necessary for the public good. Such policemen shall serve within the limits of such unincorporated cities, towns, and villages, and in case of the appointment of more than one policeman, one shall serve in the day-time and the other at night; and said Sheriff shall have power to appoint such other special policemen as in his judgment the public safety may require, whose compensation shall not exceed four (4) dollars per day, or per night, as the case may be, and who shall continue to serve only during the pleasure of said Sheriff. Such policemen and special policemen shall, within the limits of such unincorporated cities, towns, and villages, be invested with all the power in making arrests which are now exercised, or which hereafter may be exercised, by the peace officers, according to the laws of this State, and within the limits of any unincorporated cities, towns, and villages, as aforesaid; and any such policemen or any peace officer may, on any day, and without a warrant, and at any time of the day or night, arrest a person or persons.

Special policemen.

Powers of policemen.

Not to be in force unless a majority of electors petition.

3117. SEC. 10. The provisions of this Act shall not be in force, or have effect, in any city, town, or village, within this State, unless a majority of the qualified electors of such city, town, or village aforesaid, shall petition to the Board of County Commissioners of the county wherein such city, town, or village is situated, setting forth the following facts: First—That said petition contains the names of a majority of the resident electors of such city, town, or village, as the case may be. Second—That they request the appointment of such policemen, and the levying of a tax of one fourth of one per cent, as herein provided.

Facts.

Duty of County Commissioners.

3118. SEC. 11. Upon the presentation of a petition, in compliance with the provisions of section ten of this Act, it shall be the duty of the Board of County Commissioners, in which county such city, town, or village is situated, to levy said tax as aforesaid, and to notify the Sheriff of said county, in a written communication or otherwise, to make the appointment of one or more policemen, in accordance with the request of said petitioners.

CHAPTER XCVII.

OF THE FIRE DEPARTMENT FUND.

SECTION 3119. Commissioners authorized to levy tax.
3120. To prescribe boundaries.
3121. Manner of assessing and collecting tax.
3122. Fire Department Fund.
3123. Order of Commissioners.
3124. How Fund shall be used.
3125. Warrant not to be drawn, when.
3126. What Act intended to provide.

An Act to create a Fire Department Fund.

[Approved March 9, 1865, p. 328.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3119. SECTION 1. The County Commissioners of the various counties of the State of Nevada are hereby empowered to levy and collect a tax of not exceeding one fourth of one per cent upon the assessed value of property within any unincorporated town for the benefit of the Fire Department in such town. Commissioners authorized to levy tax.

3120. SEC. 2. The County Commissioners shall prescribe the boundaries within which such tax shall be collected; *provided*, that such boundaries shall not extend beyond the limits of such unincorporated town, village, or city. To prescribe boundaries

3121. SEC. 3. Said tax shall be assessed in the same manner and subject to the provisions of the general laws for the assessment and collection of taxes, and collected at the same time and by the same officers who assess and collect the State and county taxes, and shall be paid over to the County Treasurer. Manner of assessing and collecting tax.

3122. SEC. 4. The County Treasurer shall keep said moneys in a separate Fund, to be denominated the Fire Department Fund. Fire Department Fund.

3123. SEC. 5. No money shall be paid out of the Fire Department Fund, except by order of the County Commissioners. Order of Commissioners.

3124. SEC. 6. The County Commissioners shall use the Fire Department Fund to aid in sustaining the fire companies within the boundaries of the town, as prescribed by the County Commissioners. How Fund shall be used.

3125. SEC. 7. No debt is authorized by this Act to be made; and any warrant drawn on the Fire Department Fund, when there is not sufficient money in the treasury to pay the whole amount of said warrant, shall be void. Warrant not to be drawn, when.

3126. SEC. 8. This Act is intended to provide for the payment of such liabilities provided for by this Act as may accrue

What Act intended to provide.

after its passage, and may be audited and allowed by the County Commissioners, and incurred in maintaining fire companies in any unincorporated town, city, or village desiring to avail itself of the benefits of this law, and not for the payment of any liabilities accruing before the passage of this Act.

CHAPTER XCVIII.

OF STATE AND COUNTY REVENUE.

TAXATION.

SECTION 3125.†Taxes levied for State purposes.
3126.†Books for use of Assessor.
3127. Tax levied to be lien.
3128. Property not taxed; proviso.
3129. Real estate, what deemed; personal property, what deemed; proviso.
3130. Duty of County Assessors.
3131. When Assessor liable for taxes.
3132. List of real estate, etc.
3133. List of property in another county.
3134. Stocks, how assessed; property of deceased persons.
3135. False list.
3136. Tax list, how arranged; proviso; form of assessment roll.
3137. Map of town or city.
3138. Tax list.

EQUALIZATION.

3139. Board of Equalization; powers; Clerk to make list; Assessor to be present; Recorder to be present; quorum.
3140. Clerk to enter corrections on roll and deliver to Auditor.
3141. Amount of taxes to be charged to Tax Receivers.
3142. Ex officio Tax Receivers.
3143. Duty of Tax Receiver.
3144. Same.

DELINQUENCY.

3145. Tax Receiver to ascertain the total amount of taxes delinquent.
3146. Duty of Tax Receiver and County Auditor.
3147. Penalty for refusing to settle.
3148. When delinquent taxes may be paid.
3149. When Assessor may collect taxes on personal property.
3150. Assessor to return list of collections.
3151. Fees for assessing and collecting.
3152. Delinquent list to be delivered to District or Prosecuting Attorney.

TAX SUITS.

SECTION 3153. District Attorneys authorized to commence actions for delinquent taxes; proviso.
3154. Form of complaint.
3155. How summons issued and served; form of notice; copy of notice to be filed in Recorder's office.
3156. Answer of defendant.
3157. When transcript to be returned to the District Court.
3158. Prima facie evidence, what is.
3159. Judgment to be general, etc.; lien; default; judgment, what to include.
3160. Acts made applicable.
3161. Notice of sale.
3162. Fees allowed; costs, how taxed, etc.; how paid.
3163. Duty of District or Prosecuting Attorney.
3164. Same.
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3165.†Fees of District or Prosecuting Attorney.

POLL TAXES.

3166. Poll taxes; who deemed residents.
3167. Poll tax receipts.
3168. Poll Tax Collector; penalty for not delivering proper receipt.
3169. Additional bond of Poll Tax Collector.
3170. When person deemed to have paid poll tax.
3171. Penalty for forging receipt.
3172. How Assessor may enforce collection of poll taxes; proviso.
3173. Title in purchaser.
3174. Penalty for giving false name, etc.
3175. Poll taxes, how apportioned.
3176. Final settlement for poll taxes.
3177. Assessor to keep a roll of poll tax payers.
3178. Statement to be verified.
3179. Penalty for neglect to make returns.

LICENSES.

3180. License Collector: licenses levied; billiard tables, etc.; theaters, etc.; pawnbroker; intelligence office.
3181. Other licenses.
3182. Brokers.
3183. Bankers.
3184. Amount of business done; oath required; time for procuring licenses; municipal licenses; penalty.
3185. Merchandise license.
3186. Liquor license, etc.; class of business; rates of license; proviso.
3187. License required for selling liquors in quantities less than one quart; proviso; not entitled to sell on days of election.
3188. Licenses; hotels, etc.; classes; amount of license; proviso; not to include right to sell liquors.
3189. Peddler's licenses; proviso.

SECTION 3190. Term of license.
3191. Blank licenses.
3192. Auditor to sign.
3193. Licenses not issued to be returned.
3194. Officer may seize certain property for license tax.
3195. Auditor and Treasurer to make joint statement.
3196. Penalty for issuing improper licenses.
3197. County Treasurer custodian of money.
3198. Auditor to transmit statement to Controller; when Treasurers are required to settle with Controller; report of Auditor to be transmitted to Controller.
3199. Certified statement to be sent to Controller.
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MISCELLANEOUS.

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3203. Penalty for neglect.
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3206. Fund to pay Treasurers only.
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3208. Compensation of License Collector.
3209. Compensation of Assessor; compensation of Auditor.
3210. Amount paid to Assessor and Auditor to be apportioned.
3211. Oath that taxes have been paid on mortgage.
3212. Foreclosure of mortgage.

MINES.

3213. Valuation of ores.
3214. Duty of Assessor; penalty for refusing to give statement.
3215. Assessor to make estimate.
3216. Duty of Assessor when owner refuses to give statement; penalty for refusing to give statement on demand of Assessor.
3217. Certified statement.
3218. Proceeds.
3219. Sworn statement.
3220. Assessment roll to be delivered to Assessor.
3221. Assessor to give notice.
3222. When Assessor may seize upon personal property.
3223. Perjury.
3224. Receipt.
3225. Oath of Assessor.
3226. Assessor to pay over.
3227. When Assessor liable on bond.
3228. Additional bond.
3229. Revenue, how paid over.
3230. Delinquent list to be delivered to District Attorney.
3231. Duty of District Attorney.

SECTION 3232. Complaint.
3233. Answer.
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TIME FOR LEVYING AND ASSESSING TAXES.

3235. State and county taxes to be levied, when.
3236. Lien of taxes attaches, when.
3237. Assessment of taxes, when to be made; proviso; mines, cities, and towns.

ADDITIONAL PENALTY.

3238. In collection of delinquent taxes additional per centum added, when.

TAXES IN DISPUTED TERRITORY.

3239. Taxes on property in disputed territory may be paid in either county.

An Act to provide revenue for the support of the government of the State of Nevada.

[Approved March 9, 1865, p. 271.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3125.† SECTION 1. An annual ad valorem tax of one hundred and twenty-five cents upon each one hundred dollars' value of taxable property is hereby levied and directed to be collected and paid, for State purposes, upon the assessed value of all taxable property in this State, including the proceeds of mines and the proceeds of mining claims, except such property as is by this Act exempted from taxation. Seventy cents of said tax on all property, other than proceeds of mines and mining claims, is and shall be held to be the same as that levied under the provisions of an Act to amend an Act entitled "An Act authorizing a State loan, and levying a tax to provide means for the payment thereof," approved February sixth, A. D. eighteen hundred and sixty-seven, and the money coming into the State Treasury from said tax to the extent of seventy cents on all property, except proceeds of mines and mining claims, shall be applied exclusively to the payment of the principal and interest of the bonds provided to be issued by the last mentioned Act. Twenty-five cents of the one hundred and twenty-five cents levied under the provisions of this Act is hereby appropriated to the payment of Territorial indebtedness, funded under the provisions of an Act entitled "An Act to provide for carrying out in part the provisions of section seven, Article XVII, of the Constitution of the State of Nevada," approved February fourteenth, eighteen hundred and sixty-five, which shall be applied exclusively to the extinguishment of such funded debt. Five cents of the one hundred and twenty-five cents by this Act levied, including the tax levied on the

Taxes levied for State purposes.

proceeds of mines and mining claims, is hereby set apart for the support and maintenance of a State University and common schools; and ninety-five cents of the one hundred and twenty-five cents levied on the proceeds of mines and mining claims, and twenty-five cents of the one hundred and twenty-five cents hereby levied on other property than proceeds of mines and mining claims, is hereby set apart for general revenue purposes. All assessments and valuation of property for taxable purposes shall be made on the value thereof in legal tender paper currency of the United States. [As amended April 2, Stats. 1867, p. 159.]

All taxes shall be levied and collected in United States gold and silver coin. See Sec. 35.

Books for use of Assessor. 3126.† SEC. 2. The Board of County Commissioners of each county shall, prior to the first Monday of April of each year, cause to be prepared suitable and well-bound books for the use of the Assessor, in which the County Assessor shall enter his tax list and assessment roll, as hereinafter provided; and in which list and assessment roll shall be assessed and included all taxes levied by authority of law for county purposes. Said books shall contain suitable printed heads, and be ruled to conform with the form of the assessment roll, as provided by this Act. [As amended April 2, Stats. 1867, p. 159.]

Tax levied to be lien. 3127. SEC. 3. Every tax levied under the provisions or authority of this Act is hereby made a lien against the property assessed, and a lien shall attach upon the real property for the tax levied upon the personal property of the owner of such real estate, which lien shall attach on the first Monday in April in each year, on all property then in this State, and on all other property whenever it reaches the State, and shall not be satisfied or removed until all the taxes are paid, or the property has absolutely vested in a purchaser under a sale for taxes.

Property not taxed. 3128. SEC. 4. All property of every kind and nature whatsoever, within this State, shall be subject to taxation, except: First—All lands or other property of the State, or of any municipal corporation or county of the State, and all lands or other property of the United States. Second—All houses occupied and owned by fire and military companies, also their apparatus, and all squares and lots dedicated or kept open for health, public use or ornament, or belonging to any county, city, town, or village in this State. Third—Public libraries, colleges, school houses, and other buildings for purposes of education, with their furniture, libraries, and other equipments, and the lots or lands thereto appurtenant and used therewith, so long as the same shall be used for that purpose; **Proviso.** *provided*, that when any of the real property mentioned in this subdivision is private property, from which a rent or other valuable consideration is received for its use, the same shall be taxed. Fourth—Public hospitals, asylums, poor houses, and other charitable and benevolent institutions for the relief of the indigent or afflicted, and the lots or lands thereto appurtenant, with all furniture and equipments; all grounds and buildings belonging to agricultural societies so long as the same shall be used for that purpose only.

Fifth—Churches, chapels, and other buildings for religious worship, with their furniture and equipments, and the lots of ground appurtenant and used therewith, owned by any religious association or society. Sixth—The buildings and lots of ground appurtenant thereto and used therewith, owned and used by the Order of Free and Accepted Masons, the Independent Order of Odd Fellows, or by any benevolent or charitable society, except such buildings and lots of ground as are owned and occupied in connection with individual owners, then only to the extent owned and occupied by such orders or societies. Seventh—Cemeteries and graveyards, set apart and used for the purpose of interring the dead, except when such cemetery or graveyard is owned as individual property, and charges made therefor. Eighth—The property of widows and orphan children, not to exceed the amount of one thousand dollars to any one family. Ninth—Mines and mining claims. Tenth—No property belonging to any person who has arrived across the plains for the first time, after the first day of July in any year, shall be assessed in the same year, unless such property shall exceed one thousand dollars in value, and in case it does exceed such sum, then only the excess of that sum shall be assessed to such person; *provided*, nothing in this section shall be so construed as to exempt from taxation possessory claims to the public lands of the United States or of this State, or proceeds of the mines; *and, provided further*, that nothing herein shall be so construed as to interfere with the primary title to the lands belonging to the United States; *and, provided further*, all property shall be taxed at its cash value, at the time of making such assessment. Same.

3129. SEC. 5. The term "real estate," when used in this Act, shall be deemed and taken to mean and include, and it is hereby declared to mean and include, all houses, buildings, fences, ditches, structures, erections, toll roads, and bridges, or other improvements built or erected upon any land, whether such land be private property, or property of the State, or of the United States, or of any municipal or other corporation, or of any county, city, or town in the State, the ownership of, or claim to, or possession of, or right of possession to, any lands within the State, and the claim by, or the possession of any person, firm, corporation, association, or company to any land, and the same shall be listed under the head of "real estate." Real estate, what deemed. The term "personal property," whenever used in this Act, shall be deemed and taken to mean, and it is hereby declared to mean and include, all household and kitchen furniture, all law, medical, and miscellaneous libraries, all goods, wares, and merchandise, all chattels of every kind and description, all money on hand or on deposit, in bank or banks, or with individuals, all moneys at interest secured by mortgage or otherwise, gold dust, gold and silver bars, bullion, solvent debts, other than those mentioned in this section, when the amount exceeds the same character of indebtedness of the party assessed; stocks of goods on hand, horses, mules, oxen, calves, beef cattle, hogs, sheep, goats, jacks and jennies, and cattle of every description, wagons, carriages, buggies, omnibuses, stages, stage coaches, sulkies, carts, drays, and all other vehicles, whether for use, Personal property, what deemed.

pleasure, or hire; all machines and machinery; all works and improvements; all steamers, vessels, and water craft of every kind and name navigating or used upon the waters of any river or lake within this State, or having a general depot or terminus within this State. All capital loaned, invested, or employed in any trade, commerce, or business whatsoever; the capital stock of all corporations (except the capital stock of corporations organized for mining purposes), companies, associations, ferries, or individuals doing business, or having an office within this State; the money property, and effects of every kind except real estate, of all banks, banking institutions or firms, bankers, money lenders and brokers, and all property of whatever kind or nature, not included in the term "real estate," as said term is defined in this Act; *provided*, that gold and silver-bearing ores, quartz, or minerals, from which gold or silver is extracted, when in the hands of the producers thereof, shall not mean nor be taken to mean, nor be listed and assessed under the term "personal property," as used in this section of this Act, but is specially excepted therefrom, and shall be listed, assessed, and taxed as hereinafter provided.

Proviso.

Duty of County Assessors.

3130. SEC. 6. Between the second Monday in May and the second Monday in September, in each year, the County Assessor, except otherwise required by special enactment, shall ascertain, by diligent inquiry and examination, all property in his county, real or personal, subject to taxation; and, also, the names of all persons, corporations, associations, companies, or firms owning, claiming, or having possession, charge, or control thereof. ([a]) For the purpose of enabling the Assessor to make such assessment, he shall demand from each person and firm, and from the President, Cashier, Treasurer, or managing agent of such corporation, association, or company, including all banking institutions, associations, or firms, within his county, a statement, under oath or affirmation, of all real estate or personal property within the county, owned, claimed by, or on deposit with, or in the possession or control of such person, firm, corporation, association, or company. If any person, officer or agent, shall neglect, or refuse on demand of the Assessor, or his deputy, to give under "oath or affirmation" the statement required by this seccion, or shall give a false name, or shall refuse to give his or her name, or shall refuse to swear or affirm, he or she shall be deemed guilty of misdemeanor, and shall be arrested upon complaint of the Assessor or his deputy; and, upon conviction before a Justice of the Peace of the county, he or she shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by imprisonment in the County Jail for a term of not less than ten days nor more than three months, or by both such fine and imprisonment, at the discretion of the Court. If the owner of any property not listed by another person shall be absent or unknown, or fail to make the statement under oath or affirmation as herein provided, within five days after demand is made therefor, the Assessor shall make an estimate of the value of such property and assess the same accordingly. If the name of such absent owner is known to the Assessor, the property shall be assessed in his or her name; if unknown to the Assessor, the property shall be assessed to unknown owners. It is hereby made the duty of the Assessor, at the end of each month, to report to the District or Prosecuting Attorney of the county the names of all persons neglecting or refusing to give the statement as required by this section of this Act; and it is hereby made the duty of such District or Prosecuting Attorney to prosecute all persons so offending. (1) [As amended March 1, Stats. 1866, p. 168.] Same.

(a) Property to be assessed between the first Monday of April and the first Monday of September, Stats. 1873, p. 96. Sec. 3237.

(1) All tangible property within the State of Nevada is subject to one and only one annual tax. Each acre of land, and each piece of coined money, is liable to this tax.—Nevada v. Earl, 1 Nev., p. 394.

But the property which was taxed in the hands of A., on the first Monday of May, could not subsequently, that year, be taxed in the hands of another.—Id.

A tax on money at interest, secured by mortgage on land, is neither a tax on the pieces of money loaned, the land on which the mortgage security is taken, nor upon the paper on which the promise to pay is written. But it is a tax on the chose in action, or right to collect the debt.—Id.

Choses in action follow the person of those having the right. When the holder of such right resides out of the State of Nevada, this State has no jurisdiction over the person nor over the thing proposed to be taxed, and cannot tax either.—Id.

The State can only tax choses in action belonging to its own citizens or residents.—Id.

3131. SEC. 7. The Assessor and his sureties shall be, and they are hereby made liable, for the taxes on all taxable property within the county which is not assessed, through his willful neglect; *provided*, however, if it can be proved that any non-assessment was caused by the refusal of the owner, agent, or claimant of such property, or of the person or persons having it in possession, or under his or their control or charge, to give a list of it to the Assessor, the Assessor shall not be liable, but the person or persons whose refusal to give the Assessor such list, caused the omission, shall pay double the taxes imposed upon the property when assessed. When Assessor liable for taxes.

3132. SEC. 8. At the same time and in the same manner as other lists of property herein required are given, each and every person shall deliver under oath "or affirmation," to the Assessor, a similar list of all real estate, with the improvements thereon, and all personal property which he and the firm of which he is a member, and the corporation of which he is President, Cashier, Treasurer, Secretary, Trustee, or managing agent, owns, claims, or has the charge, possession, or control of in any other county of the State which he does not of his own personal knowledge know has been assessed in such other county for that year, which list shall particularly describe each tract of land, and each city or town lot contained therein (so that the same may be found and known by such description), and List of real estate, etc.

all vessels, steamers, and other water craft, and shall also specify each and all deposits, if any, and persons with whom such deposit or deposits are made, and the place and places in which the same may be found, unless he shall have included all such money, gold dust, gold and silver bars and bullion, in the list of property in his county which it shall be lawful to do; and shall also specify the kind and nature of all other personal property in such county belonging to or under the charge, control, or in the possession of him or them.

List of property in another county.

3133. SEC. 9. Every Assessor, as soon as he shall have received a list of any property in another county, under the foregoing section, shall make out from the list delivered to him, a list for each county in which any such taxable property may be, and shall transmit the same by mail or express to the Assessor of the proper county, who shall assess the same as other taxable property therein, if it has not been before assessed for the same year.

Stocks, how assessed.

3134. SEC. 10. The owner or holder of any stock in any firm, incorporated company, or association, the entire capital of which is invested in property which is assessed, or the capital of which is assessed, shall not be assessed individually for his stock in such company or association, nor shall any person having an interest in any partnership or firm, be individually assessed for the partnership or firm property, if such property is assessed to the partnership or firm. The property of every firm, incorporated company, or association, shall be taxed in the county where the property is situated; *provided*, that whenever any portion of the property of any such company shall be assessed and taxed in the county wherein the same is located, then upon presentation at the principal office of such company, of the certificate or receipt of the Collector of said county, that such taxes have been paid in another county, the same shall be deducted at the principal office, from the aggregate amount of taxes imposed upon or paid by said company for the same property in the county wherein the principal office of the said company is situated. The undivided property of deceased and insane persons may be listed to the heirs, guardians, executors, or administrators, as the case may be, and a payment of taxes made by either, shall bind all the parties in interest for their equal proportions. It is hereby made the duty of every District Judge, from time to time, to direct each and every administrator, executor, and guardian (which direction may be especially given in each case or by general order), to pay, out of the funds of the estate, all taxes that have attached or accrued against such estate after the passage of this Act; and no order or decree for the distribution of any property of any decedent among the heirs or devisees shall be made until the taxes which have been attached to or accrued against the estate shall have been paid.

Property of deceased persons.

False list.

3135. SEC. 11. If any person shall willfully make or give, under oath or affirmation, a false list of his, her, or their taxable property under his or her control, such person shall be deemed guilty of perjury, and, upon conviction thereof, shall be punished therefor, as is by law provided for the punishment of perjury. When personal property is mortgaged or pledged, it shall, for the purpose of taxation, be deemed the property of the person who has the possession thereof. [As amended March 1, Stats. 1866, p. 169.]

3136. SEC. 12. It shall be the duty of the Assessor to prepare a tax list or assessment roll, alphabetically arranged, in the book or books furnished by the Board of County Commissioners for that purpose, in which book or books shall be listed all the real estate, improvements on real estate, including improvements on public lands, and other personal property within the limits of the county, and in said book or books he shall set down in separate columns: First—The names of the taxable inhabitants, firms, incorporated companies, or associations, in alphabetical order, if known; if unknown, the property shall be assessed to unknown owners. And if any person shall refuse to make a statement of his property under oath, as required by this Act, that fact shall be noted under his name. Second—All real estate, including the ownership, or claim to, or possession of, or right of possession to any land and improvements taxable to each inhabitant, firm, incorporated company, or association, described by metes and bounds, or by common designation or name; if situated within the limits of any city or incorporated town, described by lots or fractions of lots; if without said limits, giving the number of acres, as near as can be conveniently ascertained, and the location and township where situated; all improvements on public lands, describing as nearly as possible the location of said improvements; *provided*, that when two or more parties claim by description the same land, it shall be assessed to each party making such claim, or giving such description, according to the estimated value of the claims of each. Third—The cash value of real estate, including the possessory claim to lands, and the improvements thereon. Fourth—The cash value of all improvements on real estate, including possessory claims, where the same is assessed to a person other than the owner of said real estate. Fifth—The cash value of all personal property, except improvements on real estate or public lands taxable to each. Sixth—The total value of all property taxable to each. And no further description of personal property than that required by the foregoing provisions of this section shall be needed or be requisite to render the assessment binding and effective.

Tax list, how arranged.

Proviso.

Form of assessment roll.

The form of the assessment roll shall be substantially as follows:

Tax payers' names..	
Description of property..	
Real estate—No. of acres..	
Possessory claim—No. of acres......................................	
Section	
No. of lot...	
No. of block	
Value of real estate, or possessory claim and improvements................	$ cts.
Value of improvements on real estate or possessory claim assessed to persons other than the owners of said real estate or possessory claim..	$ cts.
Value of personal property	$ cts.
Total value...	$ cts.
Apportionment of tax to State	
General Fund..	
Indigent Sick Fund...	
Contingent Fund..	
Reduction Fund..	
Taxes—Sum total...	
Remarks	

Map of town or city.

3137. SEC. 13. The Assessor shall also, when directed by the Board of County Commissioners, in a book, make a map or plan of the various blocks within any incorporated city or town, and shall mark thereon the various subdivisions as they are assessed; and in each subdivision he shall mark the names of persons to whom it is assessed.

3138. SEC. 14. On or before the second Monday in September in each year, the Assessor shall complete his tax list, or assessment roll, and shall attach his certificate thereto, and deliver it and the map book, and all the original lists of property given to him, to the Clerk of the Board of County Commissioners; and as soon as he receives said assessment roll, the Clerk of the Board of County Commissioners shall give notice of the fact, specifying therein the time of meeting of the Board of Equalization, by publication in one newspaper, if there be one published in the county, and if none, then in such manner as the Board of County Commissioners shall direct, and shall keep the roll open in his office for public inspection. [As amended March 1, Stats. 1866, p. 169.] **Tax list.**

3139. SEC. 15. The Board of County Commissioners shall constitute a Board of Equalization, of which Board the Clerk of the Board of County Commissioners shall be Clerk. (1) The Board of Equalization shall meet on the third Monday in September, in each year, and shall continue in session from time to time until the business of equalization, presented to them, is disposed of; *provided, however,* that they shall not sit after the first Monday in October, except as in this section provided. The Board of Equalization shall have power to determine all complaints made in regard to the assessed value of any property, and may change and correct any valuation, either by adding thereto or deducting therefrom, if they deem the sum fixed in the assessment roll either above or below its true value, whether said sum was fixed by the owner or Assessor; except that in case where the person complaining of the assessment has refused to give the Assessor his list under oath, as required under this Act, no reduction shall be made by the Board of Equalization in the assessment made by the Assessor. And if the Board of Equalization find it necessary to add to the assessed valuation of any property on the assessment roll, they shall direct the Clerk to give notice to the persons so interested, by letter deposited in the Post Office, or express, or otherwise, naming the day when they shall act in that case, and allowing a reasonable time to appear. As soon as possible, after the adjournment of the Board of Equalization in October, its Clerk shall make out a list of all persons, the valuation of whose property has been added to, and the amount so added to on the assessment roll, who has not appeared before the Board, and a list of all property the valuation of which has been added to on the assessment roll, with the amounts so added, the owners of which have not appeared before the Board, and the Board of County Commissioners shall cause the same to be published in one newspaper in the county, if there be any, and if not, then by posting one copy of the same in a public place in each election precinct in the county; and any person, to the assessed value of whose property there was an amount added, not appearing before the Board of Equalization in September, may **Board of Equalization.** **Powers.** **Clerk to make list.**

appear before the Board in October, and upon making affidavit that he had no knowledge of such increased valuation of his property, he shall have a hearing before the Board of Equalization, and the determination shall then be final; and the Clerk of the Board of Equalization shall note all changes made and report the same to the Auditor, who shall make the changes required on the original assessment roll. And the Auditor shall, in the next regular statement to the Controller of State, report such changes in such statement during the session of the Board of Equalization. The Assessor, either in person or by deputy, shall be present; also any deputy whose testimony may be required by the parties appealing to the Board, and they shall have the right to make any statement touching such assessment, and producing evidence relating to questions before the Board. And the Recorder of the county shall be also present, and attend on the Board of Equalization with an abstract of all unsatisfied mortgages and liens remaining on record in his office, arranged in alphabetical order, for which service he shall receive no compensation. And the Board of Equalization shall make use of such abstract, and of all other information that they can procure from the Recorder, in the Recorder's office, or otherwise, in equalizing the assessment roll of the county, and may require the Assessor to enter upon such assessment roll any mortgage or lien or other property, which has not been assessed, and the assessment and equalization so made shall have the same force and effect as if made by the Assessor before the delivery of the assessment roll by him to the Clerk of the Board of Equalization. A quorum of the Board of County Commissioners shall be sufficient to constitute the Board of Equalization, and a majority of the members present shall determine the action of the Board. On the second Monday in October, the Board of County Commissioners shall meet as a Board of Equalization, to equalize the assessment roll, and hear complaints in the excepted cases mentioned in this section. [As amended March 1, Stats. 1866, p. 170.]

Assessor to be present.

Recorder to be present.

Quorum.

(1) BOARD OF EQUALIZATION OF SPECIAL AND LIMITED JURISDICTION.—The Board of Equalization is of special and limited jurisdiction, and its record must show affirmatively the necessary jurisdictional facts.—State v. Board of Com. Washoe Co., 5 Nev., p. 317.

EQUALIZATION—REDUCTION OF ASSESSMENTS.—Under the Revenue Act of 1866 (Stats. 1866, p. 168, Sec. 15,) the Board of Equalization has no power to reduce an assessment when the person complaining has refused to give the Assessor a statement under oath of his property.—Id.

Clerk to enter corrections on roll and deliver to Auditor.

3140. SEC. 16. During the session, or as soon as possible after the adjournment of the Board of Equalization, its Clerk shall enter upon the assessment roll all the changes and corrections made by the Board, and thereupon deliver the assessment roll, so corrected, to the County Auditor, whose duty it shall be to add up the columns of valuation, and enter the total value of each description of property in the roll; to carry out, in separate columns, on the original assessment roll, the State, county, and other taxes, and the totals of all taxes to each person. He shall attach his certificate thereto, and on or before the third Monday in October, he shall deliver the assessment roll, together with the maps or plat book, to the ex officio Tax Receiver. [As amended March 1, Stats. 1866, p. 171.]

Amount of taxes to be charged to Tax Receivers.

3141. SEC. 17. On delivering the assessment roll to the ex officio Tax Receiver, the Auditor shall charge him with the amount of all taxes levied, and shall forthwith transmit, by mail or otherwise, to the Controller of State, a statement of the amount of real and personal property assessed in the county, and the amount of taxes thereon.

Ex officio Tax Receivers.

3142. SEC. 18. The several County Treasurers of this State shall be ex officio Tax Receivers, under the provisions of this Act, for their several counties; and they shall receive all taxes on real and personal property, and receipt for the same.

Duty of Tax Receiver.

3143. SEC. 19. Upon receiving the assessment roll from the Auditor, the ex officio Tax Receiver shall proceed to receive the taxes, and shall forthwith give notice by publication in one newspaper, if there be any published in his county, and if none be published, then by posting notices in three public and conspicuous places in the county, that the State and county taxes are due and payable, and that the laws in regard to their collection will be strictly enforced.

Same.

3144. SEC. 20. Whenever any tax is paid to the ex officio Tax Receiver, he shall mark the word "Paid," and the date of payment, in the assessment roll, opposite the name of the person or description of the property liable for such taxes, and shall give a receipt therefor, specifying the amount of the assessment and the amount of the tax, and a description of the property assessed. But no ex officio Tax Receiver shall receive any taxes for any portion less than the least subdivision entered upon the assessment roll; *provided*, always, that an owner of undivided real estate may pay the proportion of taxes due on his interest therein.

Tax Receiver to ascertain the total amount of taxes delinquent.

3145. SEC. 21. On the third Monday in November the ex officio Tax Receiver, at the close of his official business on that day, shall enter upon the assessment roll a statement that he has made a levy upon all the property therein assessed, the taxes upon which have not been paid, and shall immediately ascertain the total amount of taxes then delinquent, and file in the office of the Auditor the list of all persons and property then owing taxes, verified by the oath of himself or deputy, which shall be completed by the last Monday in November, and shall be known as the delinquent list. [As amended March 1, Stats. 1866, p. 171.]

Duty of Tax Receiver and County Auditor.

3146. SEC. 22. The County Treasurer shall, on Monday in each week, apportion all the money that shall have come into his hands as ex officio Tax Receiver, during the preceding week, into the several Funds as provided by law, and shall make out a statement under oath of the same, and transmit said statement to the Auditor, to be by him filed in his office. On the last Monday in November, in each year, the ex officio Tax Receiver shall attend at the office of the County Auditor with the assessment roll, and the Auditor shall then and there administer to the ex officio Tax Receiver an oath, which shall be written and subscribed on the assessment roll, to the effect that each person, and all property, assessed in said roll on which taxes have been paid to him has the word "paid" marked opposite the name of such person, or the description of such property, and the Auditor shall then foot up the amount of taxes remaining unpaid, and shall make a final settlement with the ex officio Tax Receiver of all taxes charged against him on account of said assessment roll. Within ten days after such final settlement the Auditor shall transmit, by mail or otherwise, to the Controller of State, a statement, in such form as the Controller of State may require, of all and each particular kind of property delinquent, and the total amount of delinquent taxes. For the services required by this section the County Auditor and ex officio Tax Receiver shall receive no fee or compensation whatever. [As amended March 1, Stats. 1866, p. 171.]

Penalty for refusing to settle.

3147. SEC. 23. If any Treasurer and ex officio Tax Receiver shall refuse "for a period of five days," or willfully neglect to make the settlement with, and statement to, the Auditor of his county as in this Act required, he and his sureties shall be liable to pay the full amount of taxes charged upon the assessment roll, and the District or Prosecuting Attorney, of his own volition, or on being instructed to do so by the Controller of State or the Board of County Commissioners, shall cause suit to be brought against said Treasurer and ex officio Tax Receiver and his sureties for the full amount due on the Auditor's books. And if such suit is commenced no credit or allowance whatever shall be made to such refusing or neglecting Treasurer and ex officio Tax Receiver for the taxes outstanding.

When delinquent taxes may be paid.

3148. SEC. 24. At any time after the last day of November and before the institution of suit, as herein provided, any delinquent taxpayer may, upon a certificate from the Auditor (giving a description of the property and the taxes due thereon) pay to the ex officio Tax Receiver the taxes assessed against said delinquent, with ten per centum additional thereon, taking from the ex officio Tax Receiver duplicate receipts for the amount paid, one of which receipts shall be filed with the County Auditor, and the other with the District or Prosecuting Attorney of the county. After having been served by any person with the duplicate receipt of the ex officio Tax Receiver for the total amount of taxes due from such person, or upon a piece of property, with ten per centum additional, the District or Prosecuting Attorney shall not commence the suit authorized by this Act against such person or property; *provided*, that if any person shall fail to serve said receipt such person shall pay all costs that may result from his or her negligence. The additional ten per centum provided for by this section shall be paid into the County Treasury for the use of the county. [As amended March 1, Stats. 1866, p. 172.]

When Assessor may collect taxes on personal property.

3149. SEC. 25. The County Assessor in the several counties in this State, when he assesses the property of any person or persons, company or corporations, liable to taxation, who do not own real estate within the county, shall immediately collect the taxes on the personal property so assessed, and if such person or persons, company or corporations, shall neglect or refuse to pay such taxes, the Assessor, or his deputy, shall seize sufficient of the personal property of the person or persons, company or corporations, so neglecting or refusing to pay, to satisfy the taxes and costs, and shall post a notice of such seizure, with a description of the property, in three public places in the township or district where it is seized, and shall, at the expiration of five days, proceed to sell, at public auction, at the time and place mentioned in the notice, to the highest bidder, for gold or silver coin of the United States, a sufficient quantity of said property to pay the taxes and expenses incurred; and for this service the Assessor shall be allowed from the delinquent party a fee of three dollars. Upon payment of the purchase money, he shall deliver to the purchaser the property sold, with a certificate of the sale, the amount of taxes or assessment, and the expenses thereon, for which the property was sold; whereupon the title of the property so sold shall rest absolutely in the purchaser. If, in any instance, the County Assessor shall be unable to find, seize, and sell sufficient of the property of such person, persons, company, or corporation, to pay such taxes and costs of sale, and such person, persons, company, or corporation, shall neglect or refuse, on request of the Assessor, to pay the same, or neglect and refuse to turn out to the Assessor property sufficient to pay such taxes and costs of sale, it shall be the duty of the Assessor, if the sum exceed three hundred dollars, to go before the District Court, or the Judge thereof at chambers; and in cases of three hundred dollars and less sums, then before a Justice of the Peace of the township wherein such party may reside, and make affidavit of the fact of assessment, the amount of taxes, the inability to find and seize property sufficient to pay such taxes and costs of sale; also, the fact of neglect or refusal to pay the same, or turn out property sufficient to pay the same and costs of sale. And on the filing of such affidavit, the Court, or Judge, or Justice of the Peace, as the case may be, shall issue a citation, ordering the party to appear forthwith, or at a subsequent period not to exceed five days, before such Court, Judge, or Justice of the Peace, to answer under oath concerning his property. Such citation may be served by the Assessor, Sheriff, or any Constable of the county, and shall be served by delivering a copy thereof to such party personally. On the examination, if it shall appear that such party or parties have any money, goods, chattels, or effects, the Judge or Justice of the Peace shall order sufficient thereof to be turned out to the Assessor to satisfy such taxes and costs of sale, and also cost of proceeding on the citation; and in case of a willful neglect or refusal by such party either to obey the order of citation or the order to pay, or to turn out property aforesaid, such party or parties shall be deemed in contempt of such Court, Judge, or Justice of the Peace, and may be proceeded against as in other cases of contempt, in civil cases, in the Courts of justice in this State. For services under the provisions of this section, such fees shall be allowed as for similar services in civil cases, to be collected only from parties owing such taxes. In other respects than herein provided, the proceedings under this section shall be conducted as provided in the Civil Practice Act of this State regulating proceedings supplemental to executions; and in case it appears

Same.

Same. from the affidavit of the Assessor that such person or persons owing such taxes is about to abscond from the county, or is about to convey his property with intent fraudulently to evade the payment of such taxes, in such cases the citation herein mentioned may direct the officer serving the same to arrest such party or parties, and bring him, her, or them before the Court, Judge, or Justice of the Peace issuing the same. It shall not be lawful for a party served with the citation mentioned in this section to sell or transfer his, her, or their property or effects, so as to defeat the collection of taxes mentioned, or costs, or any part thereof. And any person or persons so doing shall be deemed guilty of a misdemeanor, and on conviction thereof, shall pay a fine not to exceed two hundred dollars; and should the said taxes fail to be collected by such process, then no future liability shall attach to said Assessor therefor. (a)

(a) See supplemental Act of February 17, Stats. 1866, p. 69, concerning the collection of taxes on personal property. Sec. 3267, post.

Assessor to return list of collections. 3150. SEC. 26. The Assessor shall, on Monday of each week, return to the Auditor a list of all collections made under the provisions of the preceding section, under oath, and it shall be the duty of the Auditor to mark the word "paid" on the assessment roll, opposite the name of each party whose taxes are so paid, as soon as the same shall have been delivered to him. It shall also be the duty of the Assessor, on Monday of each week, to pay over to the Treasurer of the county all moneys collected under the provisions of section twenty-five of this Act, taking duplicate receipts from said Treasurer for the amount so paid, one of which receipts the Assessor shall file with the Auditor.

Fees for assessing and collecting. 3151. SEC. 27. The Assessor shall be entitled to receive and retain, on account of taxes collected on personal property, six per cent on the first ten thousand dollars, and but two per cent on all amounts over that sum, in addition to his per diem, as provided in this Act.

Delinquent list to be delivered to District or Prosecuting Attorney. 3152. SEC. 28. The Auditor shall, within three days after receiving the delinquent list, deliver the same to the District or Prosecuting Attorney of his county, duly certified by him, charging him therewith, and shall at the same time publish a notice in some newspaper published in the county, if there be any, and if not, then by posting notices in three public places in said county, that the said delinquent list has been deposited with the District or Prosecuting Attorney, and that unless the delinquent taxes therein specified are paid to the Treasurer as ex officio Tax Receiver, within twenty days from the publication or posting of such notices, action will be commenced by the District or Prosecuting Attorney for the collection of said taxes and costs. Said Auditor shall make or procure, and file with the District or Prosecuting Attorney, immediately, an affidavit stating the contents of said notice, and the manner and time of such publication or posting as required in this section. The District or Prosecuting Attorney, before receiving the delinquent list as provided in this section, shall enter into such additional bonds as may be required by the Board of County Commissioners.

District Attorney authorized to commence actions for delinquent taxes.

3153. SEC. 29. The District Attorneys of the several counties of this State are hereby authorized and directed, immediately after the time specified in the preceding section, to commence action in the name of the State of Nevada, against the person or persons so delinquent, and against the real estate and improvements assessed so delinquent, and against all owners or claimants to the same, known or unknown; *provided*, that before commencing any suit for the collection of delinquent taxes, where the amount is less than three hundred dollars, the District Attorney shall submit to the Board of County Commissioners, at a meeting of said Board, to be held for that purpose, on the second Monday of December in each year, the delinquent list, showing the several amounts of taxes then delinquent, and from whom due; and said Board of Commissioners shall then, or at such time thereafter as they may deem proper, direct suits to be commenced for the collection of such sums then delinquent as they may deem expedient; and no suit for the collection of delinquent taxes, where the amount is less than three hundred dollars, shall be commenced, except by the direction of said Board; *and, provided further*, that nothing herein contained shall be construed to prohibit or authorize the Board of Commissioners to prohibit the District Attorney from commencing any suit for the collection of delinquent taxes, where the amount of tax delinquent exceeds three hundred dollars; and all suits brought by the District Attorney for the collection of delinquent taxes, shall be deemed prima facie to have been brought by the direction of the Board of County Commissioners. [As amended February 14, Stats. 1873, p. 53.]

Proviso.

3154. SEC. 30. The complaint in said action may be as follows, in form:

STATE OF NEVADA, }
County of ——. }

Form of complaint.

[Title of Court.] The State of Nevada vs. A. B. & Co., and the real estate and improvements in [describing them]. The State of Nevada by C. D., District or Prosecuting Attorney of the County of ——, complains of A. B., and also the real estate and improvements [describing them with the same particularity as in actions of ejectment, or actions for the recovery of personal property], and for cause of action says that between the second Monday in May and the second Monday in September, (a) A. D. one thousand eight hundred and ——, in the County of ——, in the State of Nevada, E. T., then and there being County Assessor of said county, did duly assess and put down on an assessment roll, all the real and personal property in said county subject to taxation, and that said assessment roll was afterward submitted to the Board of Equalization of said county, and was by said Board duly equalized, as provided by law; that said A. B. was then and there the owner of, and that there was duly assessed to him the above described real estate, improvements upon real estate, and certain personal property, and that upon such property there has been duly levied for the fiscal year A. D. eighteen hundred and ——, a State tax of —— dollars,

Same.

and a county tax of —— dollars, amounting, in the whole, to —— dollars, all of which is due and unpaid; of which amount —— dollars was duly assessed and levied against the real estate, and —— dollars against the improvements aforesaid, and —— dollars against the personal property. Wherefore said plaintiff prays judgment against A. B. for the sum of —— dollars [the whole of said tax], and separate judgment against said real estate and improvements for the sum of —— dollars [the tax due on real estate, improvements, and personal property], and the ten per cent damages for non-payment thereof at the time, as required by law, and for such other judgment as to justice belongs, and for all costs subsequent to the assessment of said taxes, and of this action.

C. D., District or Prosecuting Attorney,
County of ——.

If the property be assessed to an unknown owner, then any fictitious name may be inserted to represent such owner as defendant. [As amended March 1, Stats. 1866, p. 172.]

(a) Between first Monday in April and second Monday in September. See Sec. 3237.

How summons issued and served.

3155. SEC. 31. Upon a complaint in a District Court or a Justice's Court, a summons shall be issued as provided in other civil cases, except that it shall require the defendant and all owners of or claimants to any real estate or improvements described in the summons, known or unknown, to appear and answer the complaint filed in said Court on a day certain, which day shall not be less than thirty nor more than forty days from the date of the summons; and a Justice's summons shall state the hour of the day on which the defendant, claimant, or owners shall be required to appear. The summons so issued shall be served by the Sheriff, as follows: First—As to the personal defendant, by delivering to and leaving with him a copy of the summons, if found within the county. If the personal defendant cannot, after diligent search, be found within the county, then service may be made on such personal defendant by publishing a notice substantially in the form hereinafter prescribed, in some newspaper published in the county, if there be one, once each week for three successive weeks; and in case no newspaper is published in the county, then the notice hereinafter prescribed may be posted at the Court House door of the county in which the said suit is commenced, for twenty-one days, and no order of Court shall be necessary for such publication or posting, but it shall be the duty of the Sheriff to publish or post said notice as herein provided, when the personal defendant cannot be found within the county, and to return the manner of service on the summons. (a) Second—As to real estate and improvements thereon, or improvements when assessed to a person other than the owner of the real estate, and as to all owners of or claimants to the same, known or unknown, service of the summons may be made by posting a copy of the summons in some public place on the real estate, or improvements, when assessed separately, for twenty-one days, and also by publishing or posting a notice in the same manner and for the same time as required in cases where the personal defendant cannot be found in the county. The last publication of the notice, and the last day of the twenty-one days, which the copy of the summons is required to be posted, shall expire at least ten days before the return day named in the summons. No other or further service shall be required, and the return of the officer, showing a service of the summons as herein required, shall be conclusive evidence of the due service of the summons upon the defendant named, the real estate, and improvements thereon, when assessed separately, and upon all owners of and claimants to the same, known or unknown. If on the return day named in the summons, the personal defendant fail to appear and answer the complaint, his default may be entered, and final judgment entered by the Clerk or Justice, as in other civil cases, for the amount of taxes, with ten per cent damages and costs; and if upon the return day no person appear and answer for the real estate and improvements thereon, or for the improvements, when assessed separately, then the default of the said real estate and improvements thereon, or of the improvements, when assessed separately, and of all owners of or claimants to the same, known or unknown, may be entered, and final judgment rendered as in other civil cases, as is in this Act provided. The notice required to be published or posted shall be substantially in the following form, and may include any number of cases in which the return day of the summons shall be the same: Same.

STATE OF NEVADA, COUNTY OF——;
DISTRICT OR PROSECUTING ATTORNEY'S OFFICE.

Notice of suits commenced.—To the following named defendants, and to all owners of, or claimants to, the real estate and improvements thereon, or improvements, when assessed separately, hereinafter described, known or unknown: You are hereby notified that suits have been commenced in the [name of Court, where held, etc.], by the State of Nevada, plaintiff, against each of the defendants hereinafter named, and each of the following described tracts or parcels of land with the improvements thereon, and improvements, when separately assessed, and all owners of or claimants to the same, known or unknown, to recover the tax and delinquency assessed to said defendant against said property, for the fiscal year commencing ——, and ending ——, and that a summons has been duly issued in each case; and you are further notified, that unless you appear and answer the complaint filed in said cause, on or before the —— day of ——, 18—, judgment will be taken against you, and the real estate and improvements herein described, for the amount of tax and delinquency specified, and costs of suit. Tax and delinquency A. B., describe real estate and improvements as in summons, $— Form of notice.

C. D., personal property assessed at $—

C. D., District or Prosecuting Attorney,
—— County.

Copy of notice to be filed in Recorder's office.

It shall be the duty of the District or Prosecuting Attorney to file in the office of the County Recorder, a copy of each notice published or posted, with the affidavit of the publisher or foreman in the office, setting forth the date of each publication of the notice, the paper in which the same was published; and the officer shall file a copy of the notice posted, with an affidavit of the time and place of posting, which copies so filed as aforesaid, or certified copies thereof, shall be prima facie evidence of all facts therein contained, or contained in the affidavit, in all Courts in this State. The publisher shall be entitled to two dollars for each case for publishing said notice, including the making of the affidavit. The Recorder shall be entitled to fifty cents for filing each notice of publication, including affidavit; and said sums so allowed shall be taxed and collected as other costs in the case, from the defendant, and in no case shall they be a charge against or collected from the county or State.

(a) Service of summons by posting legalized.—Stats. 1867, p. 111; see Sec. 2778, post.

Answer of defendant.

3156. SEC. 32. The defendant may answer, which answer shall be verified: First—That the taxes have been paid before suit. Second—That the taxes, with costs, have been paid since suit, or that such property is exempt from taxation under the provisions of section four of this Act. Third—Denying all claim, title, or interest in the property assessed at the time of the assessment. Fourth—That the land is situate in, and has been duly assessed in another county, and the taxes thereon paid. Fifth—Fraud in the assessment, or fraud in failing to comply with the provisions of this Act, by which fraud the party or property assessed has suffered injury; *provided, however*, that the acts herein required between the assessment and commencement of suit shall be deemed directory merely, and no other answer shall be permitted.

When transcript to be returned to the District Court.

3157. SEC. 33. If it appear on the trial of any action commenced in Justice's Court, under the provisions of this Act, that the legality of any tax or assessment levied hereunder is involved therein, the Justice shall immediately make an entry thereof in his docket, and cease all further proceedings in the case, and shall immediately certify and return to the District Court of the county a transcript of all the entries made in his docket relating to the case, together with all the process and other papers relating to the suit, in the same manner as on appeal. Thereupon the District Court shall proceed in the case to final judgment and execution, the same as if the said suit had been originally commenced therein; costs shall follow judgment, if against the defendant, but no costs shall be chargeable against the county.

Prima facie evidence, what is.

3158. SEC. 34. Said delinquent list, or a copy thereof, certified by the County Auditor, and showing unpaid taxes against any person or property, shall be prima facie evidence in any Court to prove the assessment, property assessed, the delinquency, the amount of taxes due and unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

3159. SEC. 35. In case judgment is rendered for the defendant, it shall be general, without costs, and may be entered in favor of some one or more of them, and against others, as in other civil cases; but when defendants have no claim or title to the property at the time of assessment, judgment may, notwithstanding, be entered against the property by continuing the suit, and summoning the owner, known or unknown, as provided in section thirty-one of this Act. In case judgment is rendered for plaintiff, it may be entered against such defendant, or defendants, as are found liable for the tax, and for such portions as he or they may be found liable for. Judgment may be entered against the real estate, improvements, and personal property, for the taxes and costs severally due thereon; and when it appears on the assessment roll, and is not disproved at the trial, that the real estate, improvements, and personal property belong to the same person or persons at the time assessments were made, then the whole tax of such person or persons for that year, may be recovered out of any of such real estate, improvements, or personal property, or out of any other property of the defendant or defendants, at the time of levy under execution; *provided*, that upon such real estate and improvements assessed, lien shall attach thereon for the taxes due upon the personal property, and shall not be released from such lien until all taxes are paid, as provided in section three of this Act. Such judgments shall be a lien as aforesaid, as in other civil cases, when rendered in the District Court, and a transcript of such judgment rendered in a Justice's Court, when filed in the office of the County Clerk of the county, and docketed by him as other judgments in the District Court, shall be liens in like manner as judgments rendered in the District Court. Such liens shall not be extinguished until the delinquent tax and costs of sale for the same shall have been paid. The Clerk of the District Court may issue execution upon judgments rendered in his Court, as in other civil cases, and may also issue execution upon the judgment transcript from Justices' Courts, to any other county in the State, except the county wherein said judgment was obtained; in which case it shall be enforced by an execution issued by the Justice, or his successor, by whom such judgment was rendered. Judgment may be rendered by default, for want of an answer, as in other civil cases. In case any person shall be sued for taxes on any lands or improvements, of which he was the owner, or in which he had a claim or interest at the time of the institution of suit, and shall be discharged from personal liability, under an answer in conformity with the third subdivision of section thirty-two of this Act, and such lands or improvements shall be sold under a judgment obtained against it, and shall thereafter be redeemed by such discharged defendant, or if he shall pay the taxes and costs to prevent a sale, then such personally discharged defendant shall have, and is hereby given, the right of recovery over against the owner at the time of the assessment, or any subsequent purchaser, for the full sum of taxes and costs, or redemption money paid. And in every case of such recovery, the judgment shall, in addition to the taxes and costs, or in addition to the redemption money paid, include twenty-five per centum

Judgment to be general, etc.

Lien.

Default.

Judgment, what to include. of the amount of taxes and costs of redemption money, as liquidated damages; and the receipt of the District or Prosecuting Attorney for taxes and costs, or of the ex officio Tax Receiver for the redemption money, shall be prima facie evidence of the debt and of its amount. [As amended February 24, Stats. 1866, p. 77.]

Acts made applicable. 3160. SEC. 36. An Act to regulate proceedings in civil cases in the Courts of justice in the State of Nevada, approved November twenty-ninth, one thousand eight hundred and sixty-one, and the several amendments thereto, or amendments which may hereafter be made thereto, or laws passed under the government of the State of Nevada, so far as the same are not inconsistent with the provisions of this Act, are hereby made applicable to the proceedings under this Act; and any deed derived from the sale of real property under this Act shall be conclusive evidence of the title, except as against actual frauds or prepayment of the taxes by one not a party to the action or judgment in or upon which such sale was made, and shall entitle the holder thereof to possession of such property, which possession may be obtained by action in a Justice's Court for the unlawful withholding thereof, in the same manner as where tenants hold over after the expiration of their lease; *provided*, that the officer, in selling such property, shall only sell the smallest quantity that will pay the judgment and all costs. All sales of real estate sold for taxes, except as in this section otherwise provided, shall be absolute. When property is sold belonging to minors, or persons under legal disability, they shall have until six months after such disability is removed to redeem such property, as in other civil cases, by paying the whole amount of the judgment and all subsequent taxes and interests paid by and due to the purchaser at such sale, and fifty per cent in addition thereto. But this provision shall not apply when the executor or administrator of the estate, or the father, or, in case of his death, the mother or guardian of such minor children or insane person, has been personally served with process.

Notice of sale. 3161. SEC. 37. No advertisement in a newspaper of the notice of the sale of any property under this Act shall be deemed necessary.

Fees allowed. 3162. SEC. 38. There shall be allowed to all officers, except District or Prosecuting Attorneys, the same fees as are allowed in other civil cases. All officers shall perform such services as may be required of them under this Act, without the payment of fees in advance. All costs shall be taxed and entered in the Costs, how taxed, etc. judgment against the person, and the real estate and improvements, when the judgment is the same against all; but if the judgment against the person and the property is for different How paid. sums, then the cost may be apportioned by the Court as the same may be deemed just; *provided*, that no fees or costs shall be paid to any officer unless the same be collected from the defendant, except when property sold for taxes is purchased by the county, in which case the said county shall pay all fees and costs properly charged or taxed against such property; and the Board of Commissioners shall allow the fees and costs provided for in this section, and direct the same to be paid out of the

General Fund of the county. [As-amended March 1, Stats. 1871, p. 93.]

Duty of District or Prosecuting Attorney.

3163. SEC. 39. The District or Prosecuting Attorney shall, on the receipt of any money for taxes, enter the same on his delinquent list opposite the description of the property, and shall, on Monday in each week, after the time fixed in this Act for the commencement of actions against delinquent taxpayers, pay to the County Treasurer all moneys collected by him for taxes, taking duplicate receipts for the amounts so paid, one of which receipts he shall on the same day file with the Auditor, and shall at the same time file with said Auditor a list of all judgments obtained by him up to that date for taxes under the provisions of this Act, stating therein the names of the defendants if known, or, if unknown, a description of the property, the amount of each judgment, and the name of the Court, or Justice, in which or before whom said judgment was obtained. He shall, on the Saturday next preceding the first Monday in April in each year, pay to the County Treasurer all moneys received by him for taxes and not previously paid over, taking duplicate receipts therefor, one of which shall in like manner be filed with the Auditor, and shall at the same time file with the Auditor a list of all judgments obtained by him and not previously filed as herein provided. He shall also, on the day last mentioned, make and file with the County Auditor an affidavit stating that he has paid to the County Treasurer all moneys collected by him for taxes prior to that date, and filed the receipts therefor; and that the several lists filed by him, as herein directed, contain all judgments obtained by him under the provisions of this Act.

Same.

3164. SEC. 40. On the first Monday of April in each year, the District or Prosecuting Attorney shall attend at the office of the County Auditor with the delinquent list or lists, and the Auditor shall then carefully compare the same with the Treasurer's receipts and statements filed by the District or Prosecuting Attorney; and if the same shall be found to be correct, the Auditor shall give to the District or Prosecuting Attorney a receipt specifying the same. The District or Prosecuting Attorney shall at the same time deliver to the Auditor a written statement of all delinquent taxes upon said delinquent list or lists remaining uncollected, or for which suit has not been brought, with his reason in detail for not being able to collect the same, or for not bringing suit; and the Auditor shall immediately file the said delinquent list or lists and statement with the Clerk of the Board of County Commissioners, and the Board of County Commissioners shall revise the same by striking off such taxes as cannot be collected. The delinquent list or lists shall then be returned to the Auditor, who shall note the changes made, and shall then return the same to the District or Prosecuting Attorney, taking his receipt therefor. The County Auditor shall, in his report to the State Controller, state the amounts stricken off the delinquent list or lists by the Board of County Commissioners.

3165. SEC. 41. If any District or Prosecuting Attorney shall fail or refuse to pay to the County Treasurer, as provided in this Act, any money collected by him for taxes, he shall for-

Penalty for refusing to pay to Treasurer. feit his office, and be forthwith removed therefrom, and shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding five thousand dollars, or by imprisonment in the County Jail for a period not exceeding one year, or by both such fine and imprisonment.

Fees of District or Prosecuting Attorney. 3165†. SEC. 42. The District or Prosecuting Attorney shall be entitled, on each suit for the collection of delinquent taxes, to a fee of five dollars, in a Court of record, and two and a half dollars in a Justice's Court, with five per cent on the amount delinquent. Said fee and percentage shall be taxed and collected as costs, but in no case to be charged against the county or State. [As amended March 1, Stats. 1866, p. 173.]

Poll taxes. 3166. SEC. 43. Each male resident of this State, over twenty-one and under sixty years of age (uncivilized American Indians excepted), and not by law exempt, shall pay an annual poll tax, for the use of the State and county, of four dollars; Who deemed residents. and for the purposes of this Act, any person shall be deemed to be a resident of this State who shall reside in this State, or who shall be employed therein upon any public or private works, for a period exceeding ten days. [As amended March 2, Stats. 1867, p. 74.]

Poll tax receipts. 3167. SEC. 44. The Controller of State shall, before the first Monday in March in each year, cause proper blank receipts for poll taxes to be printed by the State Printer, of a uniform appearance, changing the style thereof each year; and said Controller, after signing and numbering them, shall cause a number thereof, equal to the probable number of inhabitants in each county liable to pay a poll tax, to be immediately forwarded to the County Treasurer of each county, who shall sign them, or so many of them as may be required, and make an entry thereof in a book to be kept for that purpose, and thereupon deliver them to the Auditor, who shall likewise sign them and make an entry of the number he receives in a book to be kept by him for that purpose.

Poll Tax Collector. 3168. SEC. 45. The Auditor shall, from time to time, issue to the Assessor (who shall be ex officio Poll Tax Collector) so many of the receipts for poll taxes as he may need, taking his receipt therefor and charging him therewith.

Penalty for not delivering proper receipt. 3168†. SEC. 46. No receipt for poll tax, other than that mentioned in section forty-four of this Act, shall be used or given for the payment of such tax; and any Assessor who shall receive any poll tax without delivering the proper receipt required by law, shall be guilty of a misdemeanor for each poll tax so received, and on conviction thereof shall be punished by imprisonment in the County Jail for not less than three months nor more than one year, or by a fine of not less than one hundred dollars nor more than one thousand dollars for each offense, or by both such fine and imprisonment.

Additional bond of Poll Tax Collector. 3169. SEC. 47. Upon receiving such receipts from the Auditor the Assessor shall give a receipt to said Auditor for the same, and the said Auditor shall immediately charge the same to the Assessor so receiving them. The Board of County Commissioners in each county, shall exact (if they deem advisable) an additional bond from the Assessor as ex officio Poll Tax Collector, with additional sureties, in such penal sums as the said Board shall believe to be necessary to insure the prompt and faithful payment to the County Treasurer of all moneys received by such Assessor for poll taxes.

When person deemed to have paid poll tax.

3170. SEC. 48. No person shall be deemed or held to have paid his poll tax, unless he be able to exhibit a receipt therefor, issued from the office of the Controller of State, or otherwise prove the payment of the same.

Penalty for forging receipt.

3171. SEC. 49. Any person or persons who shall pass, sell, or transfer, or attempt to pass, sell, or transfer, or who shall forge, or fraudulently issue any receipt or receipts for poll tax, contrary to the spirit or intentions of this Act, shall be guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the State Prison for not less than one year nor more than two years.

How Assessor may enforce collection of poll taxes.

3172. SEC. 50. To enforce the collection of poll taxes, as provided in this Act, the Assessor may seize so much of any and every species of personal property whatsoever, claimed by any person liable to and refusing or neglecting to pay his poll tax, or property in the possession of, or due from any other person, and belonging to such person so refusing or neglecting to pay such poll tax, as will be sufficient to pay the same and costs of seizure, which costs shall not exceed three dollars, and shall sell the same at any time or place, giving verbal notice of one hour previous to such sale; and any person indebted to another, liable to pay a poll tax, but who has neglected or refused to pay the same, shall be liable to pay said tax for such other person after service upon him by the Assessor of a notice, in writing, stating the name or names of the person or persons so liable and owing a poll tax, and such debtor may, upon paying the same, deduct the amount thereof; and any person or persons, company or corporation doing business within this State, and having by direct contract, or indirectly through other contractors, in their employ one or more persons liable to and owing a poll tax in this State, shall be liable for any and all poll taxes that may be due from such employés, and may deduct the amount from any sums due, or that may afterwards become due, to such employés, whether such wages are payable directly to such employés or to other persons who furnish such employés under contract, with such person or persons, company or corporation; and the Assessors of the respective counties are authorized, and it is hereby made their duty, to seize so much of any and every kind of personal property whatsoever claimed by such person or persons, company or corporation, refusing or neglecting to pay the poll tax of all persons in their employ in this State, as will be sufficient to pay the same and costs of seizure, and shall sell the property thus seized at any time and place by giving notice to the claimant of at least one day of the time and place of sale; *provided*, that the Assessor shall first require of the person or persons, or his or their agents, or, if a company or corporation, the President, Secretary, Superintendent, agent, manager, or whomsoever may be in charge of any works within this State, belonging to or under the control of such company or corporation, a statement under oath of the number of persons employed by them; and should any person thus required refuse or neglect to make such statement, as

Proviso.

Same. herein provided, it shall be the duty of the Assessor to make an estimate of the number of persons in the employ of such person or persons, company or corporation, as he may deem just and reasonable, and the assessment thus made shall be valid as though made and verified to as herein specified; *and, provided further*, the County Commissioners may, in their discretion, require the Assessor to demand the statement and make the assessment, as provided in this section of this Act, at different times, and at any time between the first Monday in March and the first Monday of December in each year; and if any person or persons, company or corporation, should have any persons in their employ not previously assessed, they shall make and furnish to the Assessor a statement of the number of such unassessed persons in their employ, and shall thereupon be required to pay their poll tax, as provided for in this sectien of this Act. [As amended March 2, Stats. 1867, p. 75.]

Title in purchaser. 3173. SEC. 51. The Assessor, after having deducted the poll tax for which such property was sold, and the necessary fees and costs of sale, shall return the surplus of the proceeds to the owner of the property. A delivery of the possession of the property by the Assessor or his deputy, to any purchaser, at any such sale, shall be sufficient title in the purchaser, without execution of a certificate of purchase thereof by the Assessor.

Penalty for giving false name, etc. 3174. SEC. 52. If any person shall give the Assessor or his deputy a false name, or shall refuse to give his name, or if any person having men in his employ shall refuse to furnish the Assessor or his deputy, when requested, the name and residence of each man employed by him, if known, or if such person shall refuse to grant free access to the Assessor or his deputy to the building or place where such men are employed, he shall be guilty of a misdemeanor, and shall be arrested on complaint of the Assessor or his deputy, and, upon conviction before a Justice of the Peace, he shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment for a term of not less than two days nor more than three months, or by both fine and imprisonment.

Poll taxes, how apportioned. 3175. SEC. 53. Of the moneys collected as poll tax under the provisions of this Act, after all the expenses of collection are paid, fifty per cent shall be paid into the County Treasury for county purposes, and the remaining fifty per cent shall be paid in for State purposes.

Final settlement for poll taxes. 3176. SEC. 54. On the first Monday of each month the Assessor shall make oath before the Auditor of the total number of poll taxes collected by him during the last preceding month, and shall, at the same time, file with the County Treasurer receipts for the total amount of poll taxes collected, less ten per cent allowed by this Act for his fees for collection; and on the first Monday in December in each year the Assessor shall return to the County Auditor all poll tax receipts received by him and not used, and shall pay to the County Treasurer the total amount collected, and not paid heretofore, subject to the deduction of ten per cent as aforesaid. (^{a}) And on the same day the County Treasurer shall attend with the Assessor at the office of the County Auditor, and the County Auditor shall, then and there, finally settle with the Assessor for all poll tax receipts signed by the Treasurer and delivered to him; and all poll tax receipts returned by the Assessor shall be forthwith transmitted by the Auditor, with his annual statement, to the Controller of State; and no poll tax receipt shall be valid for any year unless issued after the first Monday in February of each year.

(a) Poll taxes to be paid over monthly. See Sec. 3023.

Assessor to keep a roll of poll tax payers.

3177. SEC. 55. It shall be the duty of the Assessor to keep a roll of the names of all persons who shall pay a poll tax in each year, and the date and amount of each payment; also, in a separate column of said roll, the names of all persons liable to such tax, from whom he has demanded such tax, who have refused or neglected to pay the same, with the date of such demand. This return shall be certified by him as a true and full return of all persons from whom he has made such collection, or on whom he has made demand, and shall be verified by his oath or affirmation.

Statement to be verified.

3178. SEC. 56. On the first Monday in December it shall be the duty of the County Auditor, and he is hereby required, to forthwith transmit to the Controller of State a certified statement of the number of poll taxes received by him from the County Treasurer; the number of such receipts issued by him to the Assessor; the number of such receipts returned to him by the Assessor; the amount of money paid over by the Assessor to the County Treasurer on poll tax collections, and the number of such receipts then transmitted to the Controller of State.

Penalty for neglect to make returns.

3179. SEC. 57. Any Assessor who shall neglect to make the returns required by this Act, shall forfeit and pay the sum of two hundred dollars to the use of the county, which may be recovered by suit on his official bond against the sureties, and the same shall work a forfeiture of his office.

License Collector.

Licenses levied, etc.

3180. SEC. 58. The Sheriff in the several counties of this State shall be ex officio collector of licenses, as provided in this Act. There shall be levied and collected the following licenses: First—From each proprietor or keeper of a billiard table, not kept for the exclusive use of the owner or his family, for each table, five dollars per quarter year; for a nine or ten pin, or bowling alley, ten dollars per quarter year, license to be granted for a term not less than three months. Second—From the manager or lessee of any theater, five dollars per day, if granted for a term less than one month; if granted for one month, thirty dollars shall be paid; if granted for three months, sixty dollars shall be paid; if granted for one year, two hundred dollars; and for each exhibition of serenaders, opera or concert singers, the same payment for license as is required for theatrical performances; for each exhibition of circus, caravan, or menagerie, or any collection of animals for public amusement, twenty dollars for each exhibition; and for each show of any figures, and for each exhibition of wire dancers or sleight of hand performances, or other exhibitions or performances for hire not herein enumerated, ten dollars per day. Third—For each pawnbroker, one hundred dollars per quarter year. Fourth—For each keeper of an intelligence office, fifteen dollars per quarter year. (1) [As amended March 6, Stats. 1869, p. 168.]

(1) CRIMINAL LAW—ISSUANCE OF FALSE LICENSE.—Where a Deputy Sheriff having brought suit against certain persons for doing business without a license, upon their settlement of the suit by paying costs and amount of license, gave them a paper, written by his attorney and signed by himself, purporting to be a license, and it appeared that he had no proper forms or blanks at the time, and that there was no fraud or fraudulent intention on his part further than indicated by the mere naked act: *Held*, that no criminal offense was committed under the statute making the issuance of such license felony (Stats. 1864–5, p. 299, Sec. 74).—State v. Gardner, 5 Nev., p. 377.

CRIMINAL INTENT NECESSARY TO CONSTITUTE CRIME.—The essence of a criminal offense is the wrongful intent, without which it cannot exist.—Id.

THE LETTER OF CRIMINAL STATUTES AS OPPOSED TO THE REASON.—Where the words of a criminal statute are the primary guide to its meaning, it is well settled that to authorize a conviction under it the case presented must not only come within its words, but also within its reason and spirit, and the mischief it was intended to remedy.—Id.

STATUTE AGAINST ISSUANCE OF FALSE LICENSES.—The Legislature, in passing the statute against the issuance of licenses other than those properly issued to the Sheriff (Stats. 1864–5, p. 299), did not intend such fearful consequences as a conviction for felony, and imprisonment in the State Prison, upon the violation merely of the letter of the statute; and in a prosecution under it, a charge to the jury which entirely ignores any question of criminal intent, is error.—Id.

Other licenses. 3181. SEC. 59. License shall be obtained by any person or persons, private association or corporation, doing business in this State, engaged in one or more of the following occupations, to wit: In buying foreign or inland bills of exchange or sight checks or drafts, or in loaning money at interest, or in buying or selling notes, bonds, or other evidences of indebtedness of private persons, or State, county, or city stocks or indebtedness, or stock of incorporated or unincorporated companies, or person or persons, or in buying or selling gold dust, gold or silver bullion, gold or silver coin, or engaged as keeper of saving banks, or engaged as common carrier in transmitting gold dust, gold or silver coin or bullion, from any place in this State to any place without this State, or from one to another place within this State, for profit, or engaged in receiving general or special deposits of gold dust, gold or silver coin or bullion, for profit; *provided*, that checks used in the transaction of business, which are drawn and payable within this State, shall not be included as being liable to the provisions of this Act in regard to licenses.

3182. SEC. 60. Brokers, or such persons, associations, or corporations as are engaged in one or more of the following occupations, to wit: In loaning money at interest, or in buying or selling notes, bonds, or other evidences of indebtedness of private persons, or in buying and selling United States Government, State, county, or city stocks, or other evidences of United States Government, State, county, or city indebtedness, or stocks, notes, bonds, or other evidence of indebtedness of incorporated companies, or in buying or selling gold dust, gold or silver bullion, or gold or silver coin, or in receiving general or special deposits of gold dust, gold or silver bullion, or gold or silver coin, for profit, or in keeping or conducting savings banks, shall be divided into five classes, as follows: Those doing business in the aggregate to the amount of two hundred and fifty thousand dollars per quarter year and over, shall constitute the first class; those doing business to the amount of two hundred thousand dollars, and less than two hundred and fifty thousand dollars per quarter year, shall constitute the second class; and those doing business to the amount of one hundred thousand dollars, and less than two hundred thousand dollars per quarter year, shall constitute the third class; those doing business to the amount of fifty thousand dollars, and less than one hundred thousand dollars per quarter year, shall constitute the fourth class; those doing business in any amount under fifty thousand dollars per quarter year, shall constitute the fifth class. The license shall be given for the first class upon the payment of one hundred dollars per quarter year; for the second class, eighty dollars per quarter year; for the third class, fifty dollars per quarter year; for the fourth class, thirty dollars per quarter year; for the fifth class, twenty dollars per quarter year. Said amounts to be paid to the Sheriff in each county in which the party applying therefor desires to, or does transact any or all of the occupations specified in section fifty-nine; and a separate license shall be obtained for each establishment or separate house of such business located in the same county. **Brokers.**

3183. SEC. 61. Bankers, or any person or persons, associations or corporations, who buy or sell foreign or domestic bills of exchange or drafts, or in carrying or transmitting, as common carriers, gold dust, gold or silver bullion, or gold and silver coin, from any place within this State to any place without this State, or from any one place to another within this State, for profit, shall be divided into five classes, as follows: Those doing business, in the aggregate, to the amount of five hundred thousand dollars or over, per month, shall constitute the first class; those doing business to the amount of three hundred thousand dollars, and less than five hundred thousand dollars, per month, shall constitute the second class; those doing business to the amount of two hundred thousand dollars, and less than three hundred thousand dollars, per month, shall constitute the third class; those doing business to the amount of one hundred thousand dollars, and less than two hundred thousand dollars, per month, shall constitute the fourth class; those doing business in any amount less than one hundred thousand dollars per month, shall constitute the fifth class. The license for the first class shall be given upon the payment of two hundred dollars per **Bankers.**

month; for the second class, upon the payment of one hundred and fifty dollars per month; and for the third class, upon the payment of one hundred dollars per month; for the fourth class, upon the payment of seventy-five dollars per month; for the fifth class, upon the payment of fifty dollars per month.

Amount of business done.

3184. SEC. 62. Each Sheriff, as collector of licenses, shall make diligent inquiry and examination as to all persons in his county liable to pay licenses, as provided in this Act; and the Sheriff is hereby empowered, and it shall be his duty, to require each person to state, under oath or affirmation, the amount of business which he, or the firm of which he is a member, or for which he is agent or attorney, or the association or corporation of which he is President, Secretary, or managing agent, have done in the last preceding month or quarter, as the case may be, and also to make a statement, under oath, in order to carry out the provisions of this Act. Thereupon, such person, agent, Secretary, President, or other officer, shall procure a license from said Sheriff, for one or three months, of the class of which such party is liable to pay. And in all cases where an under estimate has been made by the party applying, the party making such under estimate shall be required to pay a double license for the next month or quarter. Licenses shall be procured immediately before the commencement of any business or occupation liable to license tax under this Act. Such license shall authorize the party obtaining the same, in his town, city, or particular locality in the county, to transact business as provided in such license; *provided, however*, that nothing in this Act, nor in any license issued under it, shall be construed to authorize any person to carry on any business within the limits of any incorporated city or town, authorized by its charter to impose or levy city or town license, unless such person shall, in addition to the license, if any, required by this Act, also procure the license or licenses required by the ordinances or orders of such city or town; *and, provided further*, that any person or persons who shall commence or continue to carry on or transact any business, trade, profession, or calling, for the transaction or carrying on of which a license is required by this Act, without procuring the proper license, as herein required, such person shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten nor more than one hundred dollars; *and, provided further*, that if any person or persons required by the provisions of this Act to take out a license, shall fail, neglect, or refuse to take out such license in the manner provided in this Act, or shall carry on, or attempt to carry on business without such license, the collector of licenses may direct suit in the name of the State of Nevada as plaintiff, to be brought against him or them, for the recovery of the license money; and in such case, either the Sheriff or District or Prosecuting Attorney may make the necessary affidavit, and a writ of attachment may issue, without bonds being given, on behalf of the State of Nevada; and in case of a recovery by the plaintiff, fifteen dollars liquidated damages shall be included in the judgment and costs, and be collected from the defendant, and five dollars thereof shall be paid to the collector of licenses, and ten dollars to the District or Prosecuting

Oath required.

Time for procuring licenses.

Municipal licenses.

Penalty.

Attorney prosecuting the suit. Upon the trial of any criminal action, provided for by this section, the defendant shall be deemed not to have procured the proper license, unless he either produces it or proves that he did procure it; but he may plead in bar of the criminal action, a recovery against him and the payment by him, in a civil action, of proper license money, damages, and costs.

3185. SEC. 63. Every person who has a fixed place of business, who may deal in goods, wares, or merchandise, wines or distilled liquors, except the wines and distilled liquors produced or manufactured from the agricultural products of this State, when sold by the producer or manufacturer thereof; and except such as are sold by auctioneers under license according to law, shall pay quarterly an amount of money for license, as required by the class in which such person is placed by the Sheriff of the county, under the provisions of the succeeding section; *provided, always*, that nothing herein shall be construed to extend to physicians, surgeons, apothecaries, or chemists, as to any wines or spirituous liquors which they may use in the preparation or compounding of medicines. **Merchandise-license**

3186. SEC. 64. Every person who shall sell or vend any goods, wares, or merchandise, or wines, or distilled liquors, drugs, or medicines, jewelry, wares of precious metals; and persons who keep horses or carriages for rent or hire, except mules, horses, or animals used in the transportation of goods, shall obtain from the Sheriff of the county in which such business may be transacted, for each of the branches of business, in this and the preceding sections enumerated, a license for the transaction of such business, at the following rates, to wit: All persons dealing as aforesaid, shall be classed according to the amount of the average monthly sales effected, in the following manner, that is to say: Those who are estimated to make average monthly sales to the amount of one hundred thousand dollars or more, shall be constituted the first class; of seventy-five thousand dollars, and less than one hundred thousand dollars, shall constitute the second class; of fifty thousand dollars, and less than seventy-five thousand dollars, shall constitute the third class; of forty thousand dollars, and less than fifty thousand dollars, shall constitute the fourth class; of thirty thousand dollars, and less than forty thousand dollars, shall constitute the fifth class; of twenty thousand dollars, and less than thirty thousand dollars, shall constitute the sixth class; of ten thousand dollars, and less than twenty thousand dollars, shall constitute the seventh class; of five thousand dollars, and less than ten thousand dollars, shall constitute the eighth class; of one thousand dollars, and less than five thousand dollars, shall constitute the ninth class; of all amounts under one thousand dollars, the tenth class. The license for the first class shall be given upon the payment of fifty dollars per month; for the second class, thirty-seven dollars and fifty cents per month; for the third class, twenty-five dollars per month; for the fourth class, twenty dollars per month; for the fifth class, fifteen dollars per month; for the sixth class, ten dollars per month; for the seventh class, seven dollars and fifty cents per month; for the eighth class, five dollars per month; for the **Liquor license, etc.** **Class of business.** **Rates of license.**

Proviso. ninth class, three dollars and seventy-five cents per month; for the tenth class, two dollars and fifty cents per month; *provided*, that the sale of liquors and wines, by persons licensed under this section, shall not be in less quantities than one quart measure.

License required for selling liquors in quantities less than one quart. 3187. SEC. 65. Any person or persons who may dispose of any spirituous, malt, or fermented liquors, or wines, in less quantities than one quart, shall, before the transaction of any such business, take out a license from the Sheriff of the county in which he or she proposes to do such business, and pay therefor the sum of ten dollars per month; *provided*, that all persons Proviso. engaged in retailing liquors as aforesaid, in connection with entertainment for travelers, at any point distant one mile or more outside the limits of any city or town in this State, shall pay a quarterly license of fifteen dollars; *and*, *provided further*, Not entitled to sell on days of election. that no such person or persons shall be entitled, under and by virtue of said license, to sell or cause to be sold within this State any such spirituous, malt, or fermented liquors, or wines, on any day upon which any general election is held, or within the limits of any county or city on any day upon which any special or municipal election is held therein, but it shall be expressed in each and every license so granted, that the person or persons to whom the same is granted, shall and will not sell or cause to be sold, any such liquors or wines on such day or days. [As amended March 5, Stats. 1869, p. 157.]

Licenses. Hotels, etc. 3188. SEC. 11. [66[a]] All tavern, hotel, or inn keepers, all restaurants, public boarding houses, or eating stands, and all public lodging houses, shall be divided into three classes, as fol- Classes. lows: Those doing business in the aggregate to the amount of three thousand dollars, or over, per month, shall constitute the first class; those doing a business to the amount of one thousand dollars, and less than three thousand dollars, per month, shall constitute the second class; those doing business to the amount of less than one thousand dollars per month, shall constitute the third class. The license for the first class Amount of license. shall be given upon the payment of forty-five dollars per quarter; for the second class, upon the payment of fifteen dollars per quarter; and for the third class, upon the payment of seven dollars and fifty cents per quarter; *provided*, that nothing in Proviso. this section shall require the payment of any license for lodging houses that are kept in connection with eating houses, where the aggregate receipts of such lodging department does not exceed thirty dollars per month. Nothing in this section shall Not to include right to sell liquors. be so construed as to include the right to sell spirituous or malt liquors and wines, but the same shall be distinct and separate business therefrom, and require separate and exclusive license therefor. [As amended March 6, Stats. 1869, p. 181.]

(a) Sec. 11 of Act of 1866 amends Sec. 66 of Act of 1865. Act of 1869 amends Sec. 11 of Act of 1866, which is properly Sec. 66 of 1865.

Peddler's licenses. 3189. SEC. 67. Every traveling merchant, hawker, or peddler, who shall carry a pack or vend goods, wares, or merchandise of any kind, and every auctioneer, shall pay for such license the sum of ten dollars per month; and every traveling merchant, hawker, or peddler, who shall use a wagon, or one or more animals, for the purpose of vending any goods, wares, or merchandise of any kind, or wines, fermented or spirituous liquors, shall pay for such license twenty dollars per month; *provided*, that nothing in this section be so construed as to apply to the sale of fruits or the agricultural productions of this State, or the State of California, or the Territory of Utah. The County Auditor shall issue to the Sheriff of the several counties the license contemplated in this section, which licenses so issued shall authorize the holders of the same to vend goods, wares, and merchandise, as set forth in said license, within the county wherein such licenses are obtained. And it is hereby made the duty of every Justice of the Peace, Constable, Sheriff, and all peace officers, to demand the license of any such peddler or hawker, and if such person be found not to have a license, as directed by law, the person so offering any goods, wares, or merchandise for sale, shall be guilty of a misdemeanor, and on conviction, shall be fined in any sum not less than fifty nor more than one hundred dollars. [As amended March 4, Stats. 1871, p. 147.]

Proviso.

Term of license.

3190. SEC. 68. The licenses provided to be granted by the provisions of this Act, excepting theaters, menageries, or circus licenses, shall be granted for three, six, or twelve months, at the option of the person applying for such licenses.

Blank licenses.

3191. SEC. 69. The County Auditor shall cause to be printed a sufficient number of blank licenses mentioned in this Act, for the purposes herein mentioned. Each license shall also contain a blank receipt, to be signed by the Sheriff on the delivery of such license to the purchaser thereof. The County Auditor shall hand over to the Treasurer of the county a sufficient number of blanks for the use of the county, which shall be charged to the Treasurer on the Auditor's books. The Treasurer shall countersign the same and deliver them to the County Auditor, taking his receipt therefor.

Auditor to sign.

3192. SEC. 70. The County Auditor shall, from time to time, deliver to the Sheriff as many of such licenses as may be required, and shall sign the same and charge them to the Sheriff, specifying in the charge the class of licenses and the time they run.

Licenses not issued to be returned.

3193. SEC. 71. On the first Monday in each month the Sheriff shall pay over to the Treasurer all moneys received by him from licenses, and take from the Treasurer duplicate receipts therefor. The said Sheriff shall immediately, on the same day, return to the County Auditor all licenses not issued or disposed of by him, and the County Auditor shall credit him with the amount so returned; also the receipts of money paid to the County Treasurer, which receipts shall be filed with the County Auditor. The County Auditor shall charge the Treasurer therefor, and open a new account with the Sheriff for the next month.

3194. SEC. 72. For the purpose of collecting the revenues of the county and preventing the evasion of the license law, as provided in this Act, or as may be provided in any law hereafter enacted, all billiard tables, bar fixtures, and furniture

Officer may seize certain property for license tax.

belonging to, or in use, for the purpose of carrying on the business of any billiard, drinking saloon, restaurant, tavern, hotel, inn, public boarding house, chop house, or eating stand, are held liable for the amount due for the license tax assessed on the same; and it is hereby expressly provided, that upon failure of the parties keeping any such establishment, or exercising ownership therein, to pay the license on the same in the manner and form as provided by law, the Sheriff or properly authorized officer, whose duty it shall be to enforce the collection of any such license, may seize any such billiard table, bar fixtures, furniture, or any other personal property, and shall proceed to sell in the same manner as provided in section twenty-five of this Act, for the sale of personal property by the Assessor for the collection of poll taxes, such property or so much thereof as may be requisite for the payment of such license as may be due and owing on account of the same. All moneys received for licenses under the provisions of this Act, shall be paid into the County Treasury and credited to the General County Fund.

Auditor and Treasurer to make joint statement.

3195. SEC. 73. The County Auditor and Treasurer of each county in the State shall, on the first Mondays of April, July, October, and January, make a joint statement to the Board of County Commissioners, showing the whole amount of collections (stating particularly the source of each portion of the revenue) from all sources paid into the County Treasury; the Funds among which the same was distributed and the amounts to each; the total amounts of warrants drawn and paid, and on what Funds; the total amounts of warrants drawn and unpaid; the accounts or claims audited or allowed and unpaid, and the Fund out of which they are to be paid; and generally make a full and specific showing of the financial condition of the county; which shall be published in some newspaper published in the county, if there be one; if not, then by posting the same in a conspicuous place on the Court House of said county.

Penalty for issuing improper licenses.

3196. SEC. 74. If either the County Treasurer, County Auditor, Sheriff, or any other person shall issue, have in his possession, with intent to circulate or put into circulation, any other licenses than those properly issued to the Sheriff under the provisions of this Act, the person so offending shall be guilty of felony, and on conviction be sentenced to imprisonment in the State Prison for a term of not less than one year nor more than four years; and any Collector who shall receive the money for a license without delivering to the person paying for the same the license paid for, or who shall insert the name of more than one person or firm therein, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than three hundred dollars, or by imprisonment in the County Jail not less than three nor more than six months, or by both such fine and imprisonment.

County Treasurer custodian of money.

3197. SEC. 75. Each County Treasurer shall keep all moneys received by virtue of his office in his own possession, or on special deposit, and no one except the Treasurer or one of his deputies shall receive or pay out any money in his office; and when any money shall be paid to the County Treasurer, he shall give to the person paying the same a receipt therefor; which receipt such person shall forthwith deposit with the County Auditor, who shall charge the County Treasurer therewith, and give the person paying the same an acquittance.

Auditor to transmit statement to Controller.

3198. SEC. 76. The County Auditors of the several counties of this State shall, on the first Monday of each month, transmit a statement to the Controller of State of all State moneys in the respective County Treasuries, and from what source derived, and the Treasurers of the respective counties shall at all times hold themselves in readiness to settle and pay all moneys in their hands belonging to the State, whenever required so to do by an order signed by the State Controller and State Treasurer; and the Controller and Treasurer are hereby authorized to draw such order whenever they deem it proper. At the time the County Treasurer of any county shall pay over to the State Treasurer moneys required to be paid by the order of the Treasurer and Controller, it shall be the duty of such County Treasurer to deliver to the Controller a statement showing the amount so paid. The County Treasurer shall, on the second Mondays of June and December of each year, settle in full with the Controller of State, and send, in such manner as he shall designate, to the Treasurer of State, all funds which shall have come into their hands as County Treasurers for the use and benefit of the State, taking therefor a receipt from the Treasurer of State, which receipt he shall cause to be filed with the Controller. Before making payment, each County Treasurer shall transmit to the Controller of State, by mail or otherwise, a report from the County Auditor, together with a duplicate thereof, stating specially the total amount collected, and the amount due the State from each particular source of revenue, the original of which shall be filed with the Controller of State, who shall enter upon the same, and also upon the duplicate, the cash paid to the Treasurer of State and the amount of expenses allowed. The County Treasurer shall thereafter file the duplicate report with the County Auditor of his county, whereupon the Auditor shall balance the Treasurer's account; and it shall be the duty of the Auditor to furnish the County Treasurer with the report which such Treasurer is required to produce in making his settlement with the State. [As amended March 7, Stats. 1873, p. 191.]

When Treasurers are required to settle with Controller.

Report of Auditor to be transmitted to Controller.

Certified statement to be sent to Controller.

3199. SEC. 77. Each County Treasurer shall, at the same time of making a settlement, send to the Controller of State the certified statement of the County Auditor, of the amount allowed and paid to the Assessor and the County Auditor for the assessing and collecting State revenues, as prescribed by this Act; and no County Treasurer shall be allowed to make any settlement with the Controller of State, or in any manner release him or his bondsmen from liability for the full amount by him received, unless he send to the Controller the statement required by this section. [As amended March 1, Stats. 1866, p. 174.]

3200. SEC. 78. Whenever any allowance is made to any Assessor or Auditor, as in this Act provided, the Clerk of the Board of County Commissioners shall certify the account so

Allowance to Assessor. allowed to the Auditor, who shall draw his warrant on the County Treasurer for that part of the same which the county is required to pay, which shall be in proportion to the taxes levied for State and county purposes respectively; and the Auditor shall make a certified copy of the account and indorse thereon the amount due from the State, and indorse on the accounts remaining in his office the same; and shall furnish such copy, with the indorsement thereon, to the County Treasurer, who shall pay out of the moneys belonging to the State and county respectively, the amounts indorsed on such accounts, to the Assessor and Auditor, and take his receipt therefor thereon. And the Treasurer, on making his semi-annual statement, shall present with the Auditor's statement such copy of the account allowed by the Board, to the Assessor and Auditor, indorsed and receipted as herein provided, and the Auditor shall allow him for the amounts so paid.

Penalty for using or loaning funds. 3201. SEC. 79. If any officer shall, directly or indirectly, use, loan, employ, or in any manner place out of his possession otherwise than as on special deposit, any funds belonging to or collected by and paid to him, for the use and benefit of either the State or of any county, he shall be guilty of a misdemeanor, and on conviction thereof shall be forthwith removed from office, and shall also be punished by a fine in any sum not exceeding five thousand dollars, or by imprisonment in the State Prison for a term not exceeding five years, or by both such fine and imprisonment. The Treasurer, ex officio Tax Receiver, Sheriff, Assessor, Auditor, Clerk of the Board of Equalization, and each member of such Board, shall each separately perform the duties required of him in his office, and shall not perform the duties of any two offices under this Act, except as provided in this Act or by law; and any officer who shall, at the same time, perform the duties of any two officers, in any manner connected with the public revenue, except as in the manner provided in this Act or expressly authorized by law, or any collecting or disbursing officer or Auditor, who shall refuse or neglect the performance of the duties required by this Act, shall be guilty of misdemeanor, and on conviction thereof shall be punished by imprisonment in the State Prison for a term of not more than one year, and by a fine of not less than two hundred nor more than one thousand dollars, and shall forthwith be removed from office.

Books to be open to inspection. 3202. SEC. 80. The books, papers, and accounts of each officer, in regard to the assessment or collection of taxes, or to the receiving, auditing, or disbursing moneys of the State, or of any county, shall at all times during office hours, when not necessarily in use by the officers, be open to any person whomsoever, to inspect or copy, without any fee or charge.

Penalty for neglect. 3203. SEC. 81. Whenever any Assessor, Treasurer and ex officio Tax Receiver, Sheriff and ex officio License Collector, Auditor, or other officer, upon whom duties devolve under this Act, or under any other revenue Act of this State, shall willfully neglect to perform any such duties, or shall perform any in a careless or incompetent manner, he shall be deemed guilty of a misdemeanor, and shall be removed from office in the manner prescribed by law; and when an issue of facts shall have been joined, under any presentment made or proceeding commenced to remove such officer from his office, the Board of County Commissioners (and in case such officer be a Commissioner, the District Judge,) shall have power to suspend such officer from his powers and duties under this Act, or under any other revenue Act, and to appoint a competent person in his place, until the proper tribunal shall have either removed or acquitted such suspended officer; and any act on or about the revenue, or the assessment or collection of taxes and licenses, or sale of property for the non-payment of taxes, performed by any such temporary officer, shall be as valid, and of the same force and effect, as if performed by the suspended officer; *provided, however*, that such appointee shall first qualify and give such bond, with sureties, for the faithful performance of the duties of such office, as may be required of persons elected thereto. Same.

3204. SEC. 82. Each Assessor, Treasurer, ex officio Tax Receiver, Sheriff, ex officio License Collector, and District or Prosecuting Attorney, shall, on the Saturday next preceding the first Monday in January in each year, attend at the office of the County Auditor, for the purpose of making a settlement with him on account of all transactions connected with the revenue for the year ending on that day; and each and every such officer, on going out of office, shall deliver to his successor in office all the public money, books, accounts, papers, and documents appertaining to his office and in his possession, taking a receipt therefor. Annual settlement.

3205. SEC. 83. The Treasurers of the several counties of this State shall be allowed the following named annual salaries, to wit: The Treasurer of Storey County, three thousand dollars; of Ormsby County, fifteen hundred dollars; of Douglas County, five hundred dollars; of Esmeralda County, eight hundred dollars, after the first day of January, A. D. eighteen hundred and seventy-five; of Lyon County, twelve hundred dollars, after the first day of January, eighteen hundred and seventy-three; of Washoe County, twelve hundred dollars, after the first day of January, A. D. eighteen hundred and seventy-five; of Churchill County, six hundred dollars; of Lander County, fifteen hundred dollars; of Humboldt County, one thousand dollars, after the first day of January, A. D. eighteen hundred and seventy-five; of White Pine County, fifteen hundred dollars, after the first day of January, A. D. eighteen hundred and seventy-five; of Elko County, two thousand dollars; of Lincoln County, eighteen hundred dollars; of Nye County, twelve hundred dollars, after the first day of January, A. D. eighteen hundred and seventy-five. Said salaries to be audited by the Board of County Commissioners and paid at the end of each quarter out of the Treasurer's Salary Fund; *provided*, that whenever, at the end of any quarter, there shall not be sufficient money in said Fund to pay said salary, the Board of County Commissioners shall set apart, from any moneys in the General Fund, or from the first money that shall come into the said General County Fund, not otherwise specially appropriated, an amount sufficient to pay said salary; *and, provided further*, that whenever, at the end of any year, there shall Salary of County Treasurers fixed. Commissioners to make transfer to Treasurer's Salary Fund.

Surplus in Treasurer's Salary Fund, etc.

remain any money in the said Fund, after paying the Treasurer's salary, the Board of County Commissioners shall cause the money so remaining to be transferred into the General County Fund. [As amended February 20, Stats. 1873, p. 61.]

Fund to pay Treasurers only.

3206. SEC. 2. No warrant shall be drawn on said Fund except to pay the salary of the County Treasurer. [Act of February 20, 1873, p. 61.]

Treasurer's compensation for collecting State taxes.

Treasurer's Salary Fund.

Provisos.

3207. SEC. 84. The several County Treasurers in this State shall be allowed for collecting all State taxes, excepting poll taxes, school tax, passenger tax, stamp tax, personal property tax collected by the Assessor, and the tax from the proceeds of the mines, four per cent for all moneys collected and paid to the State Treasurer, and all moneys now in the Treasurer's Salary Fund of the respective counties heretofore accrued for taxes collected and paid over to the State, shall be paid to the said County Treasurers upon their salaries as the same shall accrue. From all county revenues paid into the County Treasury four per cent of the amount shall be set apart into the Treasurer's Salary Fund; *provided*, that whenever, at the end of any fiscal year, there shall remain any moneys in said Fund after paying the Treasurer's salary, the Board of County Commissioners shall order the money so remaining to be transferred into the General County Fund; *and, provided further*, that whenever, at the end of any fiscal year, there shall not be sufficient money in said Fund to pay said salary, the Board of County Commissioners shall set apart, from any moneys in the General County Fund not otherwise specifically appropriated, an amount sufficient to pay said salary. No warrants shall be drawn on said Fund except to pay the County Treasurer's salary. [As amended February 27, Stats. 1869, p. 94.]

Compensation of license collector.

3208. SEC. 85. The Sheriff, as ex officio License Collector, shall receive, and is hereby authorized to retain, as compensation for the collection of licenses, six per cent of the gross amount, and one dollar from the party obtaining such license, on each business license sold, fifty cents of which shall be paid to the County Auditor.

Compensation of Assessor.

Compensation of Auditor.

3209. SEC. 86. The Assessor and his deputy shall keep a correct account of the number of days they have been employed in assessing property, and shall verify the same, on oath, before the Clerk of the Board of County Commissioners; and if said Board is satisfied of the correctness of the same, they shall allow and order payment to be made at the rate of ten dollars per day. The County Auditor shall receive, for extending the taxes on the assessment roll, an amount to be allowed by the Board of County Commissioners, not to exceed fifteen cents per folio of one hundred words; and in addition he shall receive a monthly salary of one hundred dollars. No county shall be entitled to any percentage for collecting the School Fund moneys. [As amended March 1, Stats. 1866, p. 174.]

Amount paid to Assessor and Auditor to be apportioned.

3210. SEC. 87. The amount allowed and paid out of the County Treasury to Assessor and Auditor, for services under this Act, and the amount paid into the Treasurer's Salary Fund of the County Treasury, shall be apportioned by the Auditor in proportion to the amount of State tax, and charged to the State and county relatively in said proportion, and a verified statement of the amount allowed by the Board of County Commissioners to said Assessor, Treasurer and ex officio Tax Receiver, and Auditor, shall entitle the Auditor to credit the County Treasurer to said amount.

Oath that taxes have been paid on mortgage.

3211. SEC. 88. Before satisfaction be entered upon any mortgage or lien, or any release of any mortgage or lien (other than mortgages given to secure the purchase money of the property mortgaged) be recorded, or filed for record, in the several County Recorders' offices of this State, the County Recorder shall be satisfied, by affidavit reduced to writing, either taken before him, or before any officer authorized to administer oaths, which affidavit may be made by the mortgagee, or person holding such mortgage or lien, or his or their agent or attorney, and which shall be filed in the said County Recorder's office. Said affidavit shall substantially set forth the following, according to the circumstances of each case: That all taxes for county and State purposes, due or payable on the money or debts secured by the mortgage or lien, have been paid. For filing such affidavit, the Recorder shall be allowed twenty-five cents, and the officer administering the oath shall be allowed twenty-five cents; and if any person shall knowingly swear falsely in making such affidavit, he shall be deemed guilty of perjury, and punished accordingly. And if any County Recorder shall enter, or permit to be entered, satisfaction of any mortgage or lien, without making an entry of, or filing such affidavit, he shall be liable, on his official bond, to pay to the State the sum of five hundred dollars, which may be recovered by an action, which it shall be the duty of the District or Prosecuting Attorney to prosecute; and the District or Prosecuting Attorney shall have for such prosecution twenty-five per centum of the amount recovered, to be collected from the defendant. [As amended March 1, Stats. 1866, p. 174.]

Foreclosure of mortgage.

3212. SEC. 89. Whenever any action shall be brought for the purpose of foreclosure of any mortgage or lien, a similar affidavit to that mentioned in the preceding section shall be attached to the complaint in such action; and in case the same shall not have been attached at the commencement of the action, the Court in which the suit is pending, on motion of any defendant therein, shall make an order staying all proceedings in such action until such an affidavit shall have been filed, or proof made of the payment of such taxes; and it shall be the duty of the Court, before entering a decree or judgment in any such case, to require such affidavit or proof.

PASSENGER TAX. (a)

(a) Sections ninety to ninety-eight, both inclusive, relative to passenger or capitation tax, declared to be unconstitutional by Supreme Court of United States, in *Crandall* v. *The State of Nevada*, 6 Wallace, p. 35.

MINES.

SEC. 99. [This section was amended by Act of April 2, Stats.

1867, p. 160, Sec. 3, which was in turn superseded by Act of February 28, Stats. 1871, p. 87; see Sec. 3245.]

Valuation of ores.

3213. SEC. 100. The valuation of all ores, quartz, or minerals bearing gold or silver, or either, proposed to be sent out of this State for sale or reduction, shall be established to the satisfaction of the Assessor, by the owner or owners, the agent or person having charge and control of such ores, quartz, or minerals, from assay or otherwise; and such ores, quartz, or minerals shall be assessed and taxed the same as ores reduced in this State; *provided,* that when the owner or owners, his or their agent or agents, or persons having charge or control of such ores, quartz, or minerals aforesaid, refuses or neglects, upon the demand of the Assessor or his deputy, to establish the value thereof to the said Assessor's or his deputy's satisfaction, then for the purposes of this Act, all such ores, quartz, or minerals shall be assessed at five hundred dollars per ton, and no deduction shall be made from that valuation, or the cost of reducing said ores, quartz, or minerals.

Duty of Assessor.

3214. SEC. 101. Between the first Monday in January and the first Monday in February; also between the first Monday in April and the first Monday in May, also between the first Monday in July and the first Monday in August, also between the first Monday in October and the first Monday in November, in each year, the County Assessor shall ascertain, by diligent inquiry and examination, the name, title, and location of all mines and mining claims in his county, from which gold and silver, or either, is extracted; and also the names of all persons, corporations, associations, companies, or firms owning, claiming, or having possession or control thereof; and he shall then ascertain and determine, as provided in this Act, the number of tons, and the value per ton, of all ores, quartz, or minerals extracted for reduction from the said mines or mining claims as aforesaid, and shall list and assess the same to the person, firm, corporation, association, or company extracting the ores or minerals as aforesaid, or owning or having possession, charge, or control of said mine or mining claim. For the purpose of enabling the Assessor to make such assessments, he shall demand from each person and firm, and from the President, Superintendent, Treasurer, or managing agent of each corporation, association, or company engaged in extracting minerals, quartz, or ores bearing gold and silver, or either, a statement, under oath or affirmation, of the total amount and value of all gold and silver bars or bullion received or produced from his or their mine or mining claim, from reduction of ores, quartz, or minerals; also, the moneys received from the sale of ores, quartz, or minerals from his or their mines or mining claim for the three months next preceding such demand of the Assessor; also, the number of tons from which said amounts were received or produced; also, the value and number of tons shipped from the State for the three months next preceding. The books relating to or used in the transaction of the business of any person or firm, company, association, or corporation engaged in extracting ores, quartz, or minerals bearing gold or silver, or either, for reduction, shall, on demand of the Assessor or his deputy, be open to his inspection. If any person, Superintendent, officer, or agent shall neglect or refuse, on demand of the Assessor or his deputy, to give, under oath or affirmation, the statement required by this section, or shall neglect or refuse to give, on demand, access to the Assessor or his deputy, to the books as aforesaid, such person, Superintendent, officer, or agent shall be guilty of a misdemeanor, and shall be arrested on complaint of the Assessor or his deputy, and on conviction thereof before a Justice of the Peace, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the County Jail for not less than twenty days nor more than three months, or by both such fine and imprisonment.

Penalty for refusing to give statement.

3215. SEC. 102. In case of the neglect or refusal of the person or firm, or President, Superintendent, Treasurer, or managing agent of any corporation, association, firm, or company to give, under oath or affirmation, the statement required in the preceding section, the Assessor or his deputy may make an estimate from the best source within his reach, of the number of tons, the value per ton of all ores, quartz, or minerals bearing gold and silver, or either, extracted by such person, firm, corporation, association, or company for preceding quarter, and assess the same to them, and such assessment shall be as binding, lawful, and effectual as if made upon a sworn or affirmed statement.

Assessor to make estimate.

Secs. 101 and 102 are retained, although they appear to be superseded by Act of 1871; see Secs. 3246-7-8, post.

3216. SEC. 103. The owner, agent, or person owning or having charge or control of any mill, arastra, smelting furnace, or any process by which gold and silver, or either, are extracted, shall keep, or cause to be kept, an accurate account of the number of tons of ores, quartz, or minerals reduced or smelted, the name of the mine, or mining claim, from which said ore, quartz, or mineral was taken, the amount and value of the bullion derived by smelting or reduction from the ore, quartz, or mineral from such mine, or mining claim, and shall, upon demand of the Assessor, or his deputy, give him a statement of the same, under oath or affirmation. And if the owner, agent, or person, as aforesaid, neglect or refuse to give the statement as required in this section, the Assessor, or his deputy, shall have the right to demand, and it is hereby made his duty to demand access to, and inspection of all books of said owner, agent, or person owning or having the charge or control of any mill, arastra, smelting furnace, or other process by which gold and silver, or either, are extracted, relating to the business of such mill, arastra, smelting furnace, or other process, as aforesaid; and if such owner, agent, or person, as aforesaid, shall, on demand of the Assessor, or his deputy, neglect or refuse to give a statement, under oath or affirmation, as provided in this section, or refuse to give access to the Assessor, or his deputy, to the books, as aforesaid, such owner, agent, or person shall be guilty of a misdemeanor, and shall be arrested on complaint of the Assessor, or his deputy, and on conviction before a Justice of the Peace, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the County Jail for not less than

Duty of Assessor when owner refuses to give statement.

Penalty for refusing to give statement on demand of Assessor.

twenty nor more than ninety days, or by both such fine and imprisonment.

Certified statement.

3217. SEC. 104. From the statements or information so received, it is hereby made the duty of the Assessor to make out, immediately, a certified statement or statements, of the number of tons of gold and silver-bearing ores, quartz, or minerals, with the yield thereof per ton, reduced by such mill, arastra, smelting furnace, or other process, from the mine or mining claim of any person, firm, corporation, association, or company, situated in any other county in this State, stating particularly therein the number of tons, and the value per ton, so reduced for such persons, firm, corporation, association, or companies, and transmit such certified statement, immediately, by mail or express, to the Assessors of the county wherein the mine or mining claim of such person, firm, corporation, association, or company, is located.

Proceeds.

3218. SEC. 105. The proceeds of all mines shall be assessed and taxed in the county wherein the mine or mines are located.

SEC. 106. [Amended by Act of 1867, p. 160, which is superseded by Act of 1871. See Sec. 3246.]

Sworn statement.

3219. SEC. 107. On or before the second Mondays in February, May, August, and November, of each year, the Assessor shall complete his tax list, or assessment roll, for the preceding three months respectively, and shall attach his certificate thereto, and deliver it, and the sworn or affirmed statements, provided for in this Act, to the County Auditor, who shall examine said assessment roll, and ascertain that the assessments therein entered comply with the sworn or affirmed statements relating thereto. And in case of the neglect or refusal of any person, firm, corporation, association, or company, to give the statement, as herein provided, that that fact is noted as heretofore provided, he shall then proceed to extend on such quarterly assessment roll, the taxes, as provided in this Act, on the proceeds of the mines. He shall add up the columns of valuation, as set down in the assessment roll, and shall prepare a statement (which shall be under oath), of the total number of tons of ore, quartz or mineral, bearing gold and silver, listed upon said assessment roll, the total value thereof, the total amount on which the taxes were levied, and the total amount of taxes on the same, which statement he shall immediately forward to the Controller of State.

Assessment roll to be delivered to Assessor.

3220. SEC. 108. After adding up the columns of valuation, and extending the taxes, as provided in the preceding section, the County Auditor shall attach his certificate thereto, and shall, on or before the fourth Mondays in February, May, August, and November, in each year, deliver the assessment roll for the preceding quarter respectively, to the County Assessor for collection, and shall charge the Assessor with the full amount of taxes levied.

Assessor to give notice.

3221. SEC. 109. Upon receiving the assessment roll of the taxes levied upon the proceeds of the mines, as provided in this Act, for any quarter, the Assessor shall forthwith give notice, by publication in one newspaper, if there be any published in his county, and if none be published, then by posting notices in three public and conspicuous places in his county, that the taxes on the proceeds of the mines, for the preceding quarter, are due and payable, and that the laws with regard to their collection will be strictly enforced, and shall proceed to collect the taxes by demanding the same (either in person or by deputy), of every person, firm, corporation, association, or company against whom they are assessed, his or their agent or agents, or the President, Treasurer, or Trustee of any incorporated company so assessed. He shall use all due diligence, and make personal demand for taxes, if possible, on all persons, firms, corporations, or companies owing the same, on or before the second Mondays in March, June, September, and December; after which he need not make such personal demand, but shall retain the assessment roll in his office and receive the taxes offered to be paid thereon until the close of his official business on the third Mondays in March, June, September, and December in each year. After which, it shall not be lawful for him to receive or receipt for any taxes, due on the assessment for the preceding quarter respectively; but he shall immediately ascertain the total amount of taxes then delinquent on the assessment of the immediate preceding quarter, and file in the office of the Auditor a statement of said amounts, verified by the oath of himself or deputy, and shall proceed to make out a copy of the quarterly assessment roll as far as relates to delinquent taxpayers. Said list shall be verified by the oath of himself or deputy, and shall be by him filed in the office of the County Auditor, as follows: The delinquent list for the quarter commencing January first and ending March thirty-first shall be filed on the fourth Monday in June in each year; the delinquent list for the quarter commencing April first and ending June thirtieth, shall be filed on the fourth Monday in September in each year; the delinquent list for the quarter commencing July first and ending September thirtieth, shall be filed on the fourth Monday in December in each year; and the delinquent list for the quarter commencing October first and ending December thirty-first, shall be filed on the fourth Monday in March in each year. Same.

3222. SEC. 110. At any time while the assessment roll of any quarter is in the hands of the Assessor for collection, the Assessor may seize upon the personal property, or so much thereof as may be sufficient to satisfy the taxes and costs of any person, firm, corporation, association, or company, who shall neglect or refuse to pay such taxes for one week after such demand of the Assessor or his deputy; and shall post a notice of such seizure, with a description of the property and the time and place whereon it will be sold, in three public places in the township or precinct where it is seized; and shall, at the expiration of five days, proceed to sell at public auction at the time and place mentioned in the notice, to the highest bidder, for cash, a sufficient quantity of such property to pay the taxes and costs incurred. And for this service the Assessor shall be allowed, from the party neglecting or refusing as aforesaid, a fee of three dollars and the same mileage a Sheriff would be entitled to receive for traveling to the place to make a levy; When Assessor may seize upon personal property.

and, upon payment of the purchase money, he shall deliver to the purchaser the property sold, together with a certificate of the sale, and the amount of the taxes or assessment and expenses thereon, for which the property was sold; whereupon the title to the property so sold shall vest absolutely in the purchaser.

Perjury. 3223. SEC. 111. If any person shall willfully make or give under oath or affirmation a false statement to the Assessor, such person shall be deemed guilty of perjury, and upon conviction thereof shall be punished therefor, as is by law provided for the punishment of perjury.

Receipt. 3224. SEC. 112. Whenever any tax is paid to the Assessor on the assessment of the proceeds of the mines, he shall mark the work "paid" opposite the name of the person, firm, corporation, association, or company paying such tax, and shall give a receipt therefor, specifying the number of tons, and the value thereof, assessed to such person, firm, corporation, association, or company, for the quarter for which such assessment roll was made out, with the amount of the tax assessed thereon.

Oath of Assessor. 3225. SEC. 113. On the fourth Mondays in March, June, September, and December, in each year, the Assessor shall attend at the office of the County Auditor with the assessment of the proceeds of the mines for the quarter preceding respectively; and the Auditor shall then and there administer an oath to the Assessor, which shall be written and subscribed on his assessment roll to the effect that each person, firm, corporation, association, or company, and all proceeds of the mines assessed in said roll on which the taxes have been paid, has the word "paid" marked opposite the name of such person, firm, corporation, association, or company; and the Auditor shall then foot up the amount of taxes remaining unpaid, and credit the Assessor with the amount, and shall then make a final settlement with the Assessor for all taxes charged against him on account of said assessment roll. Within ten days after such final settlement, the Auditor shall transmit by mail, or otherwise, to the Controller of State, a statement in such form as the Controller may direct, of the number of tons of gold and silver-bearing ore, quartz, or mineral, and the value thereof, on which taxes have been levied, and the total amount of taxes delinquent thereon. For the services required by this section, the Assessor shall receive no fees or compensation whatever.

Assessor to pay over. 3226. SEC. 114. On Monday of each week, while the assessment roll of the proceeds of the mines shall be in the hands of the Assessor for collection, the Assessor shall pay over to the County Treasurer, after deducting the percentage as allowed in this Act, all money coming into his hands from taxes on said assessment roll, taking duplicate receipts therefor, one of which he shall file with the County Auditor, who shall credit him and charge the Treasurer therewith.

When Assessor liable on bond. 3227. SEC. 115. If any Assessor shall refuse, for the period of five days, to make the payments and settlements with the Treasurer and Auditor of his county, as in this Act specified, he and his sureties shall be held liable to pay the full amount of taxes charged upon the assessment roll for that quarter; and the District or Prosecuting Attorney, of his own volition, or on being instructed to do so by the Controller of State, or the Board of County Commissioners of the county, shall cause suit to be brought against such Assessor and his sureties for the full amount due on the Auditor's books, on account of such quarterly assessment; and if such suit is brought, no credit or allowance whatever shall be made to such refusing or neglecting Assessor for the delinquent taxes outstanding.

3228. SEC. 116. The Board of County Commissioners of each county shall exact an additional bond from the Assessor in such penal sum (not to exceed twenty thousand dollars) as the said Board shall believe to be necessary to insure the prompt and faithful payment to the County Treasurer of all moneys received by such Assessor for taxes on the proceeds of the mines.

Additional bond.

3229. SEC. 117. The revenue arising from the tax of one hundred and twenty-five cents on the valuation of the proceeds of mines and mining claims, as fixed in this statute, shall be paid into the County Treasury, for the use and benefit of the State, to be appropriated as in this Act provided; and by the County Treasurer shall be paid over to the State Treasurer, as he is directed and required by law to pay over other moneys belonging to the State. [As amended April 2, Stats. 1867, p. 161.]

Revenue, how paid over.

SECS. 118, 119, 120. [Superseded.]

Sections 118, 119, 120, amended by Act of April 2, Stats. 1867, pp. 161-2. The amendatory sections are superseded by Act of February 28, Stats. 1871. See Sections 3250, 3252, 3253.

3230. SEC. 121. The Auditor shall, within three days after receiving the delinquent list on the assessment of the proceeds of the mines for any quarter year, deliver the same to the District or Prosecuting Attorney. The District or Prosecuting Attorney shall be held responsible on his official bond, given for the faithful performance of his duties in collecting State and county taxes, for any wrongdoing in collecting the taxes on the proceeds of the mines.

Delinquent list to be delivered to District Attorney.

3231. SEC. 122. The District or Prosecuting Attorney of the several counties of this State are hereby authorized and directed, immediately on receiving the delinquent list from the Auditor, as provided in the preceding section, to commence action in the name of the State of Nevada against the person, firm, incorporated company, or association so delinquent, and against the mines or mining claims from which the gold and silver-bearing ores, quartz, or minerals were extracted and assessed so delinquent. Such action may be commenced in the county where such assessment is made, before any Justice of the Peace or Court in said county having jurisdiction thereof, and such jurisdiction shall be determined solely by the amount of delinquent taxes sued for, not regarding the location of the mine or mining claim as to township, nor the residence of the person, firm, incorporated company, or association, as to town, township, county, or State.

Duty of District Attorney.

3232. SEC. 123. The complaint in said action may be as follows:

Complaint.

STATE OF NEVADA,
County of ——. } [Title of Court.]

The State of Nevada
v.
A. B. & Co., the possessory claim to the mine or mining claim (describing it.)

The State of Nevada, by C. D., District or Prosecuting Attorney of the County of ——, complains of A. B., and also the following mine or mining claim (describing the mine or mining claim with the same particularity as in actions of ejectment), and for cause of action says: that between the first Monday in —— (here insert the time in which the Assessor is directed to make the assessment for the quarter for which the taxes are delinquent), in the County of ——, in the State of Nevada, E. F., then and there being County Assessor of said county, did duly assess and set down on an assessment roll, for the quarter year commencing the first day of ——, and ending the —— day of ——, —— tons of gold and silver-bearing ore, quartz, or mineral, extracted from the mine or mining claim designated and described in this complaint; said ore, quartz, or mineral was assessed at —— dollars per ton, from the sworn (or affirmed) statement furnished by ——, his (or their, as the case may be) agent (or superintendent), to the Assessor (or in case no statement was furnished the Assessor, then the assessed value may be stated from the best source of information within the Assessor's reach); that said A. B. was then and there the owner of said possessory mine or mining claim, and did extract therefrom the gold and silver-bearing ore, quartz, or mineral assessed, and upon which the taxes are now delinquent and unpaid; and that said ore, quartz, or mineral was duly assessed to him, and upon it there has been duly levied, by the operation of the law taxing the proceeds of the mines, for the quarter commencing the first day of ——, in the year of our Lord one thousand eight hundred and ——, a State tax of —— dollars, and a county tax of —— dollars, amounting in the whole to —— dollars, all of which was duly assessed and levied against the proceeds of the mines or mining claim as aforesaid. Wherefore, plaintiff prays judgment against said A. B. for the sum of —— dollars, and a separate judgment against the possessory mine or mining claim for the sum of —— dollars, the whole of said tax on the proceeds of the possessory mine or mining claim herein described, per quarter year delinquent; and for such further judgment as to justice belongs, and for all costs subsequent to the assessment of said taxes, and the commencement of this action.

C. D., District or Prosecuting Attorney,
County of ——.

Answer.

3233. SEC. 124. So far as they are applicable, and not otherwise expressly provided in this Act, the answer to the complaint as provided in the preceding section, the means and manner of serving the papers, fees of the District or Prosecuting Attorney, and officers serving papers, and in all other matters concerning the collection of delinquent taxes on the proceeds of the mines, the laws for the collection of taxes on real estate and personal property, as provided in this Act, shall apply to the collection of delinquent taxes on the proceeds of the mines.

3234. SEC. 125. The several County Treasurers in this State shall settle for and pay over all moneys coming into their hands from the tax on the proceeds of the mines and going to the State, at the same time and in the same manner as is provided by law for settling and paying over the State's proportion of moneys arising from the tax on real and personal property or other sources of State revenue. **When Treasurer shall settle.**

An Act to define the time for levying and assessing taxes for State and county purposes.

[Approved February 25, 1873, p. 96.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3235. SECTION 1. All State and county taxes, required to be levied by the Boards of County Commissioners of the several counties of this State in pursuance of the revenue laws of this State, shall hereafter be levied by such Boards of County Commissioners on or before the first Monday of April in each year. **State and county taxes to be levied, when.**

3236. SEC. 2. The lien against the property upon which such taxes may be levied, as provided by such revenue laws, shall hereafter attach upon such property on the first Monday of April in each year. **Lien of taxes attaches, when.**

3237. SEC. 3. Between the first Monday of April and the second Monday of September, in each year, the County Assessors of the several counties of this State shall assess all property in their respective counties, and enter such assessments in the assessment rolls of their respective counties, in manner and form as prescribed by the laws of this State; *provided*, that taxes on proceeds of mines, and all taxes levied for municipal purposes in incorporated cities and towns, shall be levied, assessed, and collected in the manner heretofore provided by law; *and, provided further*, that the County Commissioners of the several counties of the State may, by an order, prescribe the time, between the first Monday of April and the second Monday of September (not later than the first Monday in June), when the County Assessor shall commence his assessment. **Assessment of taxes, when to be made.** **Proviso.** **Mines, cities, and towns.**

An Act prescribing an additional penalty for non-payment of taxes in certain cases after suit.

[Approved March 7, 1873, p. 169.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

In collection of delinquent taxes additional per centum added, when.

3238. SECTION 1. In all suits for the collection of delinquent taxes originally brought in the District Courts, where the amount exceeds three hundred dollars, the complaint and summons shall demand, and the judgment shall be entered, for twenty-five per centum in addition to the tax of ten per centum thereon and costs, provided in the Act to provide revenue for the support of the government of the State of Nevada, and the Acts amendatory thereof; and such tax, penalty, and costs, shall not be discharged, nor shall the judgment therefor be satisfied, except by the payment of the tax, original penalty, costs, and the additional penalty herein prescribed in full.

An Act to regulate the collection of taxes in disputed territory between counties.

[Approved February 21, 1873, p. 66.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Taxes on property in disputed territory may be paid in either county.

3239. SECTION 1. When real property is assessed by the County Assessors of two counties on territory claimed by both, the owner of the real estate assessed is hereby authorized to pay said taxes in either county that he may select, and in case of suit being brought for the non-payment of said taxes in the county in which said suit may be brought, the production of a tax receipt for the current year on said property, signed by the proper officer, although in an adjoining county claiming jurisdiction, of a date prior to the commencement of said action, shall entitle said taxpayer to a dismissal of said suit, free of cost.

CHAPTER XCIX.

OF THE REPEAL OF THE STAMP ACT.

SECTION 3240. Acts and sections repealed.
3241. Use of stamps not necessary.
3242. County Treasurers to settle stamp accounts; notice of redemption; redemption, how made.
3243. State Treasurer to receive uncanceled stamps.
3244. Defalcation of County Treasurers to be credited to State Treasurer.

An Act to abolish the use of State revenue stamps, and to provide for the settlement of outstanding stamps.

[Approved February 21, 1873, p. 64.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3240. SECTION 1. That sections one hundred and twenty-six, one hundred and twenty-seven, one hundred and twenty-eight, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and thirty-seven, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty, of an Act entitled "An Act to provide revenue for the support of the government of the State of Nevada," approved March ninth, eighteen hundred and sixty-five, and section one hundred and thirty-nine of an Act entitled "An Act to further amend an Act entitled 'An Act to provide revenue for the support of the government of the State of Nevada,'" approved March first, eighteen hundred and sixty-six; "An Act to amend an Act entitled 'An Act to provide revenue for the support of the government of the State of Nevada,' approved March ninth, eighteen hundred and sixty-five," approved March fourth, eighteen hundred and seventy-one, and all Acts and parts of Acts amendatory thereof or supplementary thereto, be and the same are hereby repealed. **Acts and sections repealed.**

3241. SEC. 2. From and after the passage of this Act, the appendage and canceling of the stamps described in the schedule contained in section one of an Act entitled "An Act to amend an Act entitled 'An Act to provide revenue for the support of the government of the State of Nevada,' approved March ninth, eighteen hundred and sixty-five," approved March fourth, eighteen hundred and seventy-one, shall no longer be necessary, nor shall affect the validity of any instrument, matters, or things mentioned in said schedule; *provided*, that nothing herein shall be construed to affect any instrument made, signed, or issued prior to the passage of this Act. **Use of stamps not necessary.**

County Treasurers to settle stamp accounts.

3242. SEC. 3. Within ten days after the passage of this Act, the State Treasurer shall notify the respective County Treasurers to settle their State revenue stamp accounts with the State Treasurer within sixty days thereafter. In making said settlement, it shall be the duty of the said County Treasurers to publish a notice for ten days in one newspaper in his county, or, if no newspaper be published therein, to post at least three written notices in public places therein, that said County Treasurers will redeem all outstanding uncanceled State revenue stamps on presentation of the same at his office. The County Treasurer shall redeem said outstanding State stamps as presented pursuant to said notice, and the same shall be a charge against the State. And he shall immediately thereafter transmit to the State Treasurer a statement of the stamps so redeemed, together with a statement in full of all stamps with which he stands charged by the State; and he shall at the same time transmit to the State Treasurer all uncanceled stamps in his possession, together with all moneys received from the sale of stamps to that date.

Notice of redemption

Redemption, how made.

State Treasurer to receive uncanceled stamps.

3243. SEC. 4. It shall be the duty of the State Treasurer to receive and to turn over to the State Controller all uncanceled stamps so returned from the County Treasurers, together with all stamps in his possession, and the State Controller shall credit the State Treasurer with the amount so received. The State Controller shall preserve said stamps so received in his office, and the same shall be his vouchers in his settlement with the State.

Defalcation of County Treasurers to be credited to State Treasurer.

3244. SEC. 5. In order that full settlement may be made between the State Treasurer and the State, on stamp account, the State Controller is hereby authorized, on satisfactory proof being furnished him of the fact and amount of any defalcation by a County Treasurer on account of State stamps, to credit the State Treasurer with the amount of said defalcation; *provided*, nothing herein contained shall be construed to relieve the bondsmen of the County Treasurers for liability on account of said defalcation.

CHAPTER C.

OF THE TAXATION OF THE NET PROCEEDS OF MINES.

SECTION 3245. Assessment of ores, etc.; proviso.
3246. Assessment roll of proceeds of mines; form of; Assessor to demand statement under oath, etc.; false statement deemed perjury.
3247. Books of company to be open to inspection of Assessor; refusal deemed misdemeanor; punishment.
3248. Refusal to give statement.

SECTION 3249. Persons feeling aggrieved may have assessments equalized.
3250. Tax to be lien.
3251. Notice of unpaid taxes.
3252. Compensation of Assessor; compensation of County Auditor.
3253. Apportionment of compensation.
3254. Collection, how enforced.

BORAX AND SODA.

3255. Assessment and taxation of borax and soda lands; tax on net proceeds.
3256. Acts made applicable.
3257. Collection of taxes.
3258. Controller to prepare and furnish blanks and instructions.

An Act providing for the taxation of the net proceeds of mines.

[Approved February 28, 1871, p. 87.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3245. SECTION 1. All ores, tailings, and mineral-bearing material, of whatever character, shall be assessed for purposes of taxation, for State and county purposes, in the following manner: From the gross yield, return, or value, of all ores, tailings, or mineral-bearing material, of whatever character, there shall be deducted the actual cost of extracting said ores or minerals from the mine; the actual cost of saving said tailings; the actual cost of transportation of said ores, mineral-bearing material or tailings, to the place of reduction or sale, and the actual cost of such reduction or sale; and the remainder shall be deemed the net proceeds, and shall be assessed and taxed as provided for in this Act; *provided*, that in no case whatsoever shall the whole amount of deductions allowed to be made in this section from the gross yield, return, or value of said ore, mineral-bearing material, or tailings, exceed the percentage of gross yield, value, or return of such ore, minerals, or tailings, as hereinafter specified. On all ores, tailings, or mineral-bearing material, the gross yield or value of which is twelve dollars per ton or less, the whole amount of deductions shall not exceed ninety per centum of such gross yield, return, or value. On all ores, tailings, or mineral-bearing material, the gross yield, value, or return of which is over twelve and under thirty dollars per ton, the whole amount of deductions shall not exceed eighty per centum of such gross yield, value, or return. On all ores, tailings, or mineral-bearing material, the gross yield, return, or value of which is over thirty dollars, and less than one hundred dollars per ton, the whole amount of deductions shall not exceed sixty per centum of such gross yield, value, or return. On all ores, tailings, or mineral-bearing material, the gross yield, return, or value of which is one hundred dollars per ton, or over, the whole amount of deductions shall not exceed fifty per centum of such gross yield,

Assessment of ores, etc.

Proviso.

return, or value; *provided*, that an additional exemption of fifteen dollars per ton may be allowed on all ores, tailings, or minerals worked by the Freiberg process.

Assessment roll of proceeds of mines.

3246. SEC. 2. It shall be the duty of the several County Assessors within this State, to compare and complete quarterly, on or before the second Monday in February, May, August, and November, in each year, a tax list or assessment roll of the proceeds of the mines, alphabetically arranged in a book furnished them by the Board of County Commissioners for that purpose, in which book shall be listed, or assessed, the proceeds of all mines in their respective counties, as provided in this Act. The form of the assessment roll shall be substantially as follows:

Form of.

Names of owners......	Description and location of mine.........	Number of tons extracted for the quarter......................	Gross yield or value; same in dollars and cents................	Actual cost of extracting same from mine.	Actual cost of transportation to place of reduction or sale.....	Actual cost of reduction or sale..........	Net yield or value in dollars and cents....	Total amount of tax..

Assessor to demand statement under oath, etc.

For the purpose of enabling the Assessor to make such assessment, he shall demand from the President, Secretary, Superintendent, Treasurer, or managing agent of each corporation, association, or firm engaged in extracting ores or minerals within his county, and from any person so engaged other than as a corporation, association, or firm, a statement under oath or affirmation of the total number of tons extracted by him or them; the gross yield or value of the same in dollars and cents; the actual cost of extracting the same from the mine; the actual cost of transportation of same to the place of reduction or sale, and the actual cost of reduction or sale of same for the preceding three months respectively. If any person shall, knowingly, make or give under oath or affirmation, as aforesaid, a false statement to the Assessor, such person shall be deemed guilty of perjury, and, upon conviction thereof, shall be punished therefor as is provided by law for the punishment of the crime of perjury.

False statement deemed perjury.

Books of company to be open to inspection of Assessor.

3247. SEC. 3. The account books relating to or used in the transaction of the business of any person, firm, company, association, or corporation, engaged in extracting ores or minerals bearing gold or silver, or other metals, for reduction or sale, shall, on demand of the Assessor or his deputy, be open to his inspection. If any such person, or the President, Superintendent, Treasurer, Secretary, or managing agent, or whoever has charge of said books of such company, association, corporation, or firm, shall neglect or refuse to give, on demand, to the Assessor or his deputy, access to the books aforesaid, he or they

Refusal deemed misdemeanor.

shall be deemed guilty of a misdemeanor, and shall be arrested on complaint of the Assessor or his deputy. and, on conviction thereof before a Justice of the Peace, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the County Jail for not more than three months, or by both such fine and imprisonment. Punishment.

3248. SEC. 4. In case of neglect or refusal of any person, firm, President, Superintendent, Treasurer, Secretary, or managing agent, or whoever has charge of the books or mines of any person, firm, company, association, or corporation engaged in extracting ores or minerals for reduction or sale, to give under oath or affirmation the statement required in this Act, the Assessor or his deputy shall make an estimate from the best sources within his reach of the number of tons of all ores or minerals extracted by such person, firm, company, association, or corporation for the preceding quarter, and assess the same to him or them without making any deduction for actual costs of any kind, and such assessment shall be binding, lawful, and effectual, as if made upon a sworn or affirmed statement. Refusal to give statement.

3249. SEC. 5. Any person, firm, incorporated company, or association, excepting such as shall have persistently refused to give the Assessor, on his demand, access to the books of said person, firm, incorporated company, or association, feeling aggrieved on account of the assessment made, as in this statute provided, may appear before the Board of County Commissioners, at any regular term, or special term thereof called for that purpose, and ask to have such assessment equalized; and such Board may proceed to hear the allegations of the party complaining, and of the Assessor, and such other evidence as may be produced, and by an order entered in the minutes of their proceedings, equalize such assessment by adding to or deducting therefrom, as may seem just, and such action, when had, shall be final. Persons feeling aggrieved may have assessments equalized.

3250. SEC. 6. Every tax levied under the authority or provisions of this Act, on the proceeds of the mines, is hereby made a lien on the mines or mining claims, from which ores or minerals bearing gold and silver, or either, or any other valuable metal, is extracted for reduction, which lien shall attach on the first days of January, April, July, and October of each year, for the quarter year commencing on those days respectively; and shall not be satisfied or removed until the taxes, as provided in this Act, on the proceeds of the mines, are all paid, or the title to said mines or mining claims has absolutely vested in a purchaser, under a sale for the taxes levied on the proceeds of such mines or mining claims. Tax to be lien.

3251. SEC. 7. The County Assessor may at any time serve a notice, which shall be in writing, signed by him, upon any person or firm, or upon the Superintendent, managing agent, foreman, or any other person having charge or control of the business of any incorporated company or association engaged in reducing ores taken from any mine or mining claim, setting forth the amount of taxes assessed and unpaid on account of ores or minerals extracted or taken from such mine or mining claim, and from the time of receiving such notice, the person or firm, incorporated company, or association so notified, shall be Notice of unpaid taxes.

held liable for the amount of such unpaid taxes to the extent of the value of the ores and minerals then in possession of the person or firm, incorporated company, or association, extracted or taken from such mine or mining claim.

Compensation of Assessor.

3252. SEC. 8. The Assessors in the several counties in this State shall be allowed to retain to their own use, for collecting the tax, as provided in this Act, on the proceeds of the mines and mining claims, three per centum on all moneys by them collected, and no more. The Assessor and his deputies shall keep a correct account of the number of days they have been actually employed in assessing the proceeds of mines, as provided in this Act, and including therein the time employed in making the assessment for both State and county purposes, on the proceeds of the mines, and shall verify the same under oath before the Clerk of the Board of County Commissioners, or other person authorized to administer oaths, and then present said account to the Board of County Commissioners, who, if satisfied of the correctness of the same, shall allow it, or so much thereof as they may find correct, and order payment therefor to be made, at the rate of eight dollars per day, which shall be in full for all services in making the assessment for both State and county purposes, and shall be paid as in this statute provided. The County Auditor shall receive, for extending the taxes on the quarterly assessment roll of the proceeds of the mines, an amount not to exceed fifteen cents per folio of one hundred words. No County Treasurer shall be allowed to receive to his own use any percentage or compensation from the tax on the proceeds of the mines.

Compensation of County Auditor.

Apportionment of compensation.

3253. SEC. 9. The amount allowed and paid out to the Assessor and County Auditor for services under this Act shall be apportioned by the Auditor, in the proportion the State tax bears to the county tax on proceeds of mines, and the amount shall be charged to the State and county in said proportion, and a verified statement of the amount allowed by the Board of County Commissioners shall entitle the Controller to credit the County Treasurer with such amounts as shall have been charged against the State.

Collection, how enforced.

3254. SEC. 10. The collection of the tax authorized to be levied under this Act shall be enforced in the same manner in which the tax on any other kind of personal property is enforced and collected.

An Act providing for the location and taxation of borax and soda mines and claims.

[Approved March 7, 1873, p. 187.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Assessment and taxation of borax and soda lands.

3255. SECTION 1. The ownership of, or claim to, or possession of, or right of possession to, any lands in this State, containing and held for the purpose of obtaining borax or soda, shall be assessed, annually, for taxation, for State and county purposes, at not exceeding five dollars per acre. The annual payment of said taxes, and the compliance with the provisions of an Act entitled "An Act to provide for the location of lands containing salt," approved February twenty-fourth, eighteen hundred and sixty-five, shall be held as a recognition on the part of the State of the validity of said ownership of, or claim to, or possession of, or right of possession to, said lands; *provided*, that where borax and soda mines and claims are being worked for borate of soda, borate of lime, boracic acid, or carbonate of soda, then the net proceeds thereof shall be taxed, in the event that the tax on such net proceeds shall equal or exceed in amount what would be derived from said mines or claims, taxing them at five dollars per acre, as aforesaid; and when the net proceeds are taxed, the ownership of, claim to, possession of, or right of possession to, the said lands, shall not be taxed. **Tax on net proceeds.**

3256. SEC. 2. Sections two, three, four, five, six, seven, eight, nine, and ten of an Act entitled "An Act providing for the taxation of the net proceeds of mines," approved February twenty-eighth, eighteen hundred and seventy-one, shall be and are hereby made applicable as to time and manner of assessing and collecting the revenue derived from the net proceeds of borax and soda mines and claims. **Acts made applicable.**

3257. SEC. 3. The officers whose duty it is to enforce the provisions of "An Act providing for the taxation of the net proceeds of mines" (referred to in section two of this Act), shall enforce the provisions of this Act, so far as it relates to the taxation of the net proceeds of borax and soda mines and claims, and shall receive the same compensation as provided in said Act. **Collection of taxes.**

3258. SEC. 4. The State Controller is hereby authorized and directed to prepare and furnish the necessary blanks and instructions to carry this Act into effect. **Controller to prepare and furnish blanks and instructions.**

CHAPTER CI.

OF REVENUE FOR COUNTY PURPOSES.

SECTION 3259. County Commissioners authorized to levy taxes for county purposes.
3260. Taxes to be levied and assessed prior to the third Monday in April; revenues to be apportioned; additional taxes.
3261. Assessment and collection of county taxes.
3262. Lien.
3263. County taxes on proceeds of mines, how assessed, etc.
3264. Laws to apply to taxes levied for county purposes.
3265. Discount on quarterly payments.

An Act supplementary to an Act entitled "An Act to provide revenue for the support of the government of the State of Nevada," approved March ninth, one thousand eight hundred and sixty-five, and the Acts amendatory thereof; and providing for levying and collecting revenue for county purposes, and further prescribing the powers and duties of the Boards of County Commissioners of the several counties of this State relative thereto.

[Approved April 2, 1867, p. 163.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

County Commissioners authorized to levy taxes for county purposes.

3259. SECTION 1. The Board of County Commissioners of the several counties of this State, in addition to their other powers and duties, are hereby authorized and empowered to levy and cause to be collected and paid annually, in the manner provided by law for the assessment and collection of taxes for State purposes, an ad valorem tax for county purposes, not exceeding the sum of one hundred and fifty cents on each one hundred dollars value of all such taxable property in the county, including the proceeds of mines and mining claims; *provided*, that in any county or counties in this State where the assessment roll of taxable property for the year A. D. eighteen hundred and sixty-six exceeded in amount or value the sum of five millions of dollars, it shall not be lawful for the Board of County Commissioners of such county or counties, to levy on each hundred dollars value of taxable property in such county or counties, a higher rate of taxation for county purposes than one hundred and fifty cents; *and, provided further*, that in any such county or counties, as last herein specified, it shall not be lawful for the Board of County Commissioners to levy a tax for county purposes on the proceeds of the mines and mining claims in such county or counties at a higher rate than twenty-five cents on each hundred dollars valuation thereof.

Taxes to be levied and assessed prior to the third Monday in April.

3260. SEC. 2. The Board of County Commissioners of each county are hereby authorized and empowered, annually, prior to the third Monday in April, unless otherwise provided by special Act, to levy and assess the amount of taxes that shall be levied for county purposes, designating the number of cents which shall, on each one hundred dollars of taxable property, be levied for each purpose; and shall add thereto the amount levied by law on each one hundred dollars of taxable property for State purposes; *provided, however*, that when the Board of County Commissioners levy any tax, they shall cause such levy to be entered on the records of their proceedings, and shall direct their Clerk to deliver a certified copy thereof to the Auditor, Assessor, and Treasurer, each of whom shall file said copy in his office. The Board of County Commissioners of each county shall apportion the revenue coming into the County Treasury under the provisions of this Act, after deducting the four per cent, as hereinafter provided, for the Treasurer's Salary Fund, into such Funds as are now or hereafter may be provided by law; *provided*, that the Board of County

Revenues to be apportioned.

Commissioners are hereby authorized to set aside such portion of all the moneys of the county, to create a Redemption Fund, for the payment of outstanding indebtedness, as is provided by any law now in force, or which may hereafter be passed. The Boards of County Commissioners of the several counties are hereby authorized and empowered, annually, to levy and collect such additional and special taxes as the statutes or laws of this State may authorize and require them to levy and collect. **Additional taxes.**

3261. SEC. 3. The assessment and collection of all taxes levied for county purposes, including the tax levied on the proceeds of mines and mining claims, shall be made at the same time, and in the same manner, and by the same officers, as is made the assessment and collection of taxes for State purposes; and the assessment for county taxes shall be included in the same list and assessment roll taken and made for State taxes. All delinquent taxes, levied and assessed for county purposes, shall be included in any action brought against the same person and property, or either, for the recovery of delinquent taxes levied and assessed for State purposes. **Assessment and collection of county taxes.**

3262. SEC. 4. Any tax, levied by authority of law for county purposes, is hereby made a lien against the property assessed, and a lien shall attach upon the real property for the tax levied upon the personal property of the owner of such real property; which lien shall attach on the third Monday in April in each year, and shall be as valid and binding in all respects as the lien of taxes levied and assessed for State purposes. **Lien.**

3263. SEC. 5. All taxes, levied on the proceeds of mines and mining claims for county purposes, shall, in all respects, be assessed and collected as taxes are levied and assessed on the proceeds of mines and mining claims for State purposes, and shall, in like manner and effect, constitute a lien on the possessory title or right to the mine or mining claim, against and upon which the same is assessed, until the taxes are paid. **County taxes on proceeds of mines, how assessed, etc.**

3264. SEC. 6. All laws now in force, in reference to the assessment and collection of taxes for State purposes, so far as applicable, are hereby made to apply to the assessment and collection of taxes levied and assessed for county purposes. **Laws to apply to taxes levied for county purposes.**

3265. SEC. 7. It shall be lawful for the Board of County Commissioners, by an order entered in their records or minutes of proceedings, to allow a discount to be made in favor of all persons who shall make payment ten days before the time when the same would become delinquent if not paid, of taxes levied and assessed, and required by law to be paid quarterly, for county purposes; but the rate of discount allowed shall not reduce the taxes so paid below the rate of seventy-five cents on each one hundred dollars value of the property assessed and taxed. A certified copy of such order, when made, shall be furnished by the Clerk of the Board to the Collector of such taxes, and to the County Auditor, each of whom shall file the same in his office. **Discount on quarterly payments.**

CHAPTER CII.

OF THE ASSESSMENT OF RAILROAD PROPERTY.

SECTION 3266. Railroad companies required to furnish statement, etc., to Assessor.
3266.†Demand and notice, how made; word "railroad" and "road," how held.
3266.‡Failure to furnish statement.
3266.§Service of notice by letter.

An Act supplementary to an Act entitled "An Act to provide revenue for the support of the government of the State of Nevada," approved March ninth, eighteen hundred and sixty-five, and the Acts amendatory thereof.

[Approved March 6, 1869, p. 184.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Railroad companies required to furnish statement, etc., to Assessor.

3266. SECTION 1. In all cases where a railroad is located, and is being or has been constructed in or through two or more of the counties of this State, the President, Secretary, General Superintendent, or managing agent of the corporation, company, or person owning the same, or some managing agent thereof within the county, shall, within a reasonable time after demand by the County Assessor of any county in or through which such road is being or has been constructed, furnish to such Assessor a statement, under oath or affirmation, which shall be in writing, duly subscribed and sworn to before some officer within this State authorized by law to administer oaths, setting forth the length of said road in such county, and the value thereof, with a list of the property, real and personal (except rolling stock), pertaining thereto; also, the whole length of said road within the State, and the number and value of all locomotives and cars, commonly known as rolling stock, used on said road within this State, an apportionment of the value of such rolling stock to such county, the same to be estimated according to the proportion which the portion of said road in said county bears to the whole length of said railroad within this State. [As amended February 21, 1873, p. 65.]

Demand and notice, how made.

3266†. SEC. 2. The demand and notice mentioned in the foregoing section and elsewhere in this Act, may be made by personal service on any of the officers or other persons before stated, or by depositing in the Post Office such written demand or notice in a letter, postage prepaid, duly directed to such corporation, company, or persons at the place the principal office, or place of business of such railroad company, or owners of such road may be situated. The word "railroad," and "road," when applied to railroads in this Act, shall be held to include, in addition to the track of said railroad, the land owned by the right of way of such railroad, and all the superstructures of said railroad owners thereon, and all the personal property owned and used therewith. **Word "railroad" and "road," how held.**

3266‡. SEC. 3. If any corporation, company, or persons owning such railroad fail, neglect, or refuse, after being notified, to furnish a statement for assessment and taxation as provided in this Act, the County Assessor may proceed to make the assessments in the same manner as in other cases, as provided in the Act to which this Act is supplementary, and any person upon whom a demand is made for a statement, as in this Act provided, failing, neglecting, or refusing to furnish the statement as required, without legal excuse, shall be subject to the same punishment as in other cases of such failure, neglect, or refusal, as provided in the Act aforesaid. **Failure to furnish statement.**

3266§. SEC. 4. In all cases where a service of demand or notice, required by this Act, is made by letters through the Post Office, reasonable time shall be deemed to be double the length of time that letters are usually transmitted by the United States mail from the place where the letter is deposited to the place where directed, and ten days additional. **Service of notice by letter.**

CHAPTER CIII.

OF THE COLLECTION OF TAXES ON PERSONAL PROPERTY.

SECTION 3267. When Assessors may collect taxes; when to seize personal property.

An Act concerning the collection of taxes on personal property.

[Approved February 17, 1866, p. 69.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3267. SECTION 1. The County Assessor, in the several counties in this State, when he assesses the property of any person or persons, company or corporation, liable to taxation, who do not own real estate within the county of sufficient value, in the Assessor's judgment, to pay the taxes on both his or their real and personal property, shall proceed immediately to collect the taxes on the personal property so assessed; and if such person or persons, company or corporation, shall neglect or refuse to pay such taxes, the Assessor, or his deputy, shall seize sufficient of the personal property of the person or per- **When Assessor may collect taxes.**

When to seize personal property.

sons, company or corporation, so neglecting or refusing to pay, to satisfy the taxes and costs, and shall proceed to collect the same as in the case of the collection of taxes on personal property where no real estate is assessed, as now provided by law.

CHAPTER CIV.

OF THE SALE OF PROPERTY FOR DELINQUENT TAXES.

SECTION 3268. Notice of sales, how given.
3269. When subject to redemption.
3270. Duty of Treasurer to buy in property; redemption, how made; when deed in trust to be made.
3271. Rents, how collected and paid out; monthly statement of property sold and rents collected to be filed.
3272. Property bid off in one day to be embraced in one certificate.
3273. Property held in trust to be annually assessed.
3274. Compensation, costs, etc., how paid; service rendered not to be a charge against the county.
3275. Deed to be conclusive evidence, etc.; proviso.
3276. Treasurers liable on bond for malfeasance, etc.

An Act to provide for sales of property for delinquent taxes.

[Approved March 1, 1866, p. 161.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Notice of sales, how given.

3268. SECTION 1. Notices of sales of real property and improvements, for delinquent taxes, shall be given by posting a notice, describing the property to be sold, and specifying the amount of the tax delinquency, and costs against the same, and the time and place of sale, at the Court House door of the county in which the tax was assessed, for a term not less than twenty-one days before such sale, and by posting a like notice in a conspicuous place upon one parcel of the property to be sold, of each owner; and where the owner resides in the county, by delivering to him a like notice; or if the owner does not reside in such county, a like notice shall be given to any tenant or occupant of such property, if such there be, and if there be none, then by publication, for the term of thirty days, in some newspaper published in the county nearest the location of the property where such tax is due; and no other notice shall be required of the sale of any property for delinquent taxes.

3269. SEC. 2. All sales hereafter made of property for delinquent taxes levied and assessed thereon, under the laws of Nevada Territory, for the years eighteen hundred and sixty-two, eighteen hundred and sixty-three, and eighteen hundred and sixty-four, shall be sold, subject to redemption, as provided by the laws in force at the time the Constitution of this State took effect. When subject to redemption

3270. SEC. 3. It shall be the duty of the Treasurers of the several counties of this State to attend all sales of property for delinquent taxes, and in case there shall be no bidders for any parcel or parcels of property offered for sale, to pay such tax and costs thereon, then such Treasurer may bid for and buy in such parcel or parcels of property as others will not buy; and such Treasurer shall take certificates of sale or deeds for such property, as other private buyers, specifying the trust aforesaid; and such Treasurers, and their successors in office, shall hold the property so bought in by him in trust, for the use and benefit of the State and county; and any officers having fees due them in such cases, subject to any redemption that may exist in such cases, or absolutely, as the law under which such property is sold may provide, subject in all cases to the trust aforesaid. In cases where, by law, the right of redemption exists, such redemption may be made from such Treasurer in the same manner and upon the same terms as from any private buyer. When the time allowed by law for redemption shall have expired, and no redemption shall have been made, the officer who made such sale shall execute and deliver to such Treasurer, who bought in such property, a deed of the same, in trust as aforesaid; and such Treasurer, and his successors in office, upon obtaining a deed of any property, in trust as aforesaid, under the provisions of this Act, shall hold such property in trust until the same is sold, when, upon an order entered upon the record of the proceedings of the Board of Commissioners of his county, such Treasurer, or his successor in office, for a consideration mentioned in such order, shall make, execute, and deliver, upon the payment of such consideration to him, to any purchaser, an absolute deed, discharged of any trust, of the property mentioned in such order of the Commissioners. Duty of Treasurer to buy in property. Redemption, how made. When deed in trust to be made.

3271. SEC. 4. While such property is held in trust, as in this Act provided, such Treasurer, or his successor in office, shall collect any rents arising from the property purchased by him, as other private persons do, during the time such property is subject to redemption; and after the time of redemption has expired, until such property can be sold, he may rent the same, with the approval of the Board of Commissioners, for a price to be fixed in their minutes. Such rents shall be paid out by the Treasurer, or his successor in office, as follows: First—To the payment of the costs and taxes for which it was sold, with the percentage allowed for redemption. Second—To the payment of any taxes afterward accruing upon such property. Third—Any balance shall be paid into the General Fund of his county. The price for which any property shall be sold shall be appropriated in the same manner as the rents are directed to be paid in this section. The Treasurer, or his successor in office, shall Rents, how collected and paid out.

Monthly statement of property sold and rents collected to be filed.

file in the office of the County Auditor a monthly statement, on the first Monday in each month, of the amount of property sold and rents collected during the past month; and, upon any money being paid him for purchase or rent, shall give a statement of the amount thereof to the person, who shall file the same with the County Auditor; and such Auditor shall give the person paying such money a receipt for the same, as having been paid to the Treasurer, and expressing the purpose or consideration upon which such payment was made.

Property bid off in one day to be embraced in one certificate.

3272. SEC. 5. The officer selling any property to a County Treasurer, in trust, as provided in this Act, shall embrace in one certificate of sale all property bid off by such Treasurer in any one day; and, where sales are absolute, shall embrace in one deed all property so sold in any one day, and, at the expiration of the time for redemption, shall in one deed convey, in trust, to the Treasurer who bought such property, or to his successor in office, all property sold to such Treasurer and remaining unredeemed at any time after the expiration of the time for redemption; and the Recorder of the county shall record such certificates and deeds without payment of his fees until such property shall be sold or rented to pay the same.

Property held in trust to be annually assessed.

3273. SEC. 6. During the time any property is held in trust, under the provisions of this Act, it shall be annually assessed to such Treasurer, and his successors in office, in the same manner that the taxable property of private persons is assessed, except that such assessment shall express that it is made against him as a trustee. But no proceedings shall be taken to enforce the collection of such taxes against the trustee. When the property is sold or rented for sufficient to pay the taxes and costs legally chargeable against such property, then the same shall be, by the trustee, fully paid; and in case any parcel of property shall not be of sufficient value to pay all the tax, costs, and percentage legally chargeable against the same, then the Board of Commissioners, upon a sale of such property, may remit the balance of such taxes over and above its value.

Compensation, costs, etc., how paid.

3274. SEC. 7. The County Treasurer, for his services under this Act, shall be allowed, upon the sale of any parcel of property held by him in trust, or out of its rents, a reasonable compensation for his trouble, to be fixed by the Board of Commissioners; in each case and out of the sale price or rents of any property of which he is trustee, the Treasurer shall pay the costs due any officers for the enforcement of the tax upon such parcel of property, and all taxes owing thereon; and upon the redemption of any property from him as trustee, shall pay the redemption money over to any officers having fees due them from such parcels of property, and pay the tax for which it was sold and redemption percentage according to the proportion such fees respectively bear to such tax. In no case shall any service rendered by any officer under this Act, become or be allowed as a charge against the county, nor shall the sale price or rent, or redemption money of any one parcel of property be appropriated to pay any cost or tax upon any other parcel of property than that so sold, rented, or redeemed; and after paying all the tax and cost upon any one parcel of prop-

Services rendered not to be a charge against the county.

erty, any balance remaining in the hands of the trustee shall by him be paid into the General Fund of the county.

3275. SEC. 8. Every deed derived from the sale of real property, under this Act, shall be conclusive evidence of the title, except as against actual frauds, or prepayment of the taxes by one not a party to the action, or judgment in or upon which such sale was made, and shall entitle the holder thereof to possession of such property, which possession may be obtained by action in a Justice's Court for the unlawful withholding thereof, in the same manner as where tenants hold over after the expiration of their lease; *provided*, that the officer, in selling such property, shall only sell the smallest quantity that will pay the judgment and all costs. All sales of real estate sold for taxes, except as in this section otherwise provided, shall be absolute. **Deed to be conclusive evidence, etc.** **Proviso.**

3276. SEC. 9. Every County Treasurer and his successor in office, becoming trustees under the provisions of this Act, shall be liable upon his and their official bond for any misfeasance, malfeasance, failure, or neglect to perform faithfully all the duties of their trust, under the provisions of this Act. **Treasurers liable on bond for malfeasance, etc.**

CHAPTER CV.

OF COSTS IN TAX SUITS IN INCORPORATED CITIES AND TOWNS.

SECTION 3277. Costs not to be charged against city or town.

An Act to exempt incorporated cities and towns from the payment of costs in certain cases.

[Approved March 1, 1866, p. 165.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3277. SECTION 1. In any suit commenced, or hereafter to be commenced, in any incorporated city or town of this State for the collection of delinquent taxes, no costs shall, in any event, be charged against or collected from such city or town. **Costs not to be charged against city or town.**

CHAPTER CVI.

OF LEGALIZING PUBLICATION OF SUMMONS IN TAX SUITS, AND AUTHORIZING DISTRICT ATTORNEYS TO MAKE ADDITIONAL DESCRIPTIONS.

SECTION 3278. Service of summons legalized; proviso.

FURTHER POWERS OF DISTRICT ATTORNEYS.

3279. District Attorneys authorized to make additional descriptions in suits for delinquent taxes; evidence; proviso.

An Act to legalize the publication of summons in suits for the collection of delinquent taxes in the several counties of this State.

[Approved March 12, 1867, p. 111.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Service of summons legalized.

3278. SECTION 1. In the several counties of this State where the Tax Collectors thereof have officially served the summons in suits for the collection of delinquent taxes by posting copies thereof at the Court House door of the county wherein such suits were commenced, such action of said officer is hereby legalized; *provided*, if there was at the time of such publication a newspaper published in said county, and from any cause whatever the proprietor, manager, or chief clerk of such newspaper refused to publish the same, such facts to be shown by affidavit of the officer serving said summons.

Proviso.

An Act granting further powers to District or Prosecuting Attorneys of the several counties, and attorneys of incorporated cities and towns, within this State, in suits for delinquent taxes for the fiscal year one thousand eight hundred and sixty-four. ([a])

[Approved February 18, 1865, p. 163.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

District Attorneys authorized to make additional descriptions in suits for delinquent taxes.

3279. SECTION 1. In all suits brought by the District or Prosecuting Attorney of his county, or the attorney of incorporated cities and towns, for delinquent taxes, the said District Attorney is hereby authorized and empowered to make, in the summons and complaint, additional and more certain description than that contained in the assessment roll of the real property assessed, and upon which suit is brought for the taxes due thereon, as he may deem proper, whether the same is an estate in fee, possessory claim, or claim to or right of possession to any lands; and where such additional description is made, evidence may be introduced to prove that the property described in the summons and complaint is the same property as that described in the assessment roll; *provided*, that the complaint and summons shall aver such fact, and the judgment and execution, and all proceedings thereafter, shall follow the description given in the assessment roll, and the additional description given in the summons and complaint. (1) **Evidence.** **Proviso.**

(a) From the body of this Act it would appear to be a general law; from the title it seems confined to suits for delinquent taxes for the year eighteen hundred and sixty-four. *Query?*

(1) The statute allows District Attorneys, when bringing suit for delinquent taxes, to give a more particular description of the delinquent property than that contained in the assessment roll. When the complaint does not contradict the assessment, but merely gives a more particular description, it is proper to admit testimony to show the property described in the assessment roll and the complaint are identical.—Nevada v. Real Del Monte Co., 1 Nev., p. 52.

CHAPTER CVII.

OF THE PAYMENT OF TWO PER CENT OF THE GROSS PROCEEDS OF TOLL ROADS AND BRIDGES TO THE GENERAL SCHOOL FUND OF THE STATE.

SECTION 3280. Treasurer required to ascertain arrears of tolls.
3281. To notify owners of arrears; failure to pay, etc.; franchise forfeited.
3283. Failure to pay, etc., to be reported to County Commissioners; Commissioners to direct proceedings to be commenced; costs and fees.
3284. Affidavit of gross proceeds to be filed quarterly; failure to pay, etc., franchise forfeited.
3285. Amounts collected to be paid into State Treasury.
3286. Duty of County Commissioners.
3287. Repeal.

An Act to enforce the payment of two per cent of the gross proceeds of all toll roads and bridges, as provided by law, to the General School Fund of this State.

[Approved March 13, 1867, p. 120.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Treasurer required to ascertain arrears of tolls.

3280. SECTION 1. It shall be and is hereby made the duty of the Treasurers of each and every county in this State, immediately after the passage of this Act, to ascertain as correctly as they can the arrears of all owners of toll roads and toll bridges in their respective counties, who have failed to pay over two per cent of the gross proceeds of such roads and bridges to the credit of the General School Fund of this State, or of the late Territory of Nevada.

To notify owners of arrears.

Failure to pay, etc.

Franchise forfeited.

3281. SEC. 2. Upon ascertaining any owner or owners of such toll road or bridge to be in arrears, as referred to in the last section, it shall be the duty of the Treasurer of such county to notify, by letter or personal demand, such owner or owners, or their agents in charge of such toll road or bridge, to pay such arrears, accompanying such payment with an affidavit of the amount of tolls collected during the time such arrearage accrued; and should any owner or owners of any toll road or bridge, thus in arrears, fail to present such Treasurer with such affidavit, or fail to pay such two per cent of the gross proceeds of such road or bridge, for a term of ten days after such notice is addressed by letter, or given to him or his agent in charge of such road or bridge, then such owner or owners so failing to pay such two per cent, shall be deemed to have forfeited his or their franchise.

Failure to pay, etc., to be reported to County Commissioners.

Commissioners to direct proceedings to be commenced.

Costs and fees.

3283. SEC. 3. It is hereby made the duty of any County Treasurer, after having given the notice or made the demand mentioned in the last section, upon the failure of any owner or owners of any toll road or bridge in arrears, to pay such arrearage and make the affidavit required in the last section, to report such failure to the Board of Commissioners of his county at their next meeting; and such Commissioners shall thereupon direct the District Attorney of their county to commence proceedings at once by information in the nature of quo warranto to forfeit the franchise of the owner or owners of such road or bridge thus in arrears, and to bring civil suit to collect of such owner or owners the amount of such arrearage; and upon a recovery in such suit for collection, the Court in which such suit is brought and tried, in addition to the costs of other officers, shall allow the District Attorney a fee for such prosecution, not to exceed (in the discretion of the Court) fifty dollars, which shall be taxed against the defendant or defendants in such suit, and recovered as other costs in the action.

Affidavit of gross proceeds to be filed quarterly.

3284. SEC. 4. All owners of toll roads or bridges in this State shall hereafter, within ten days after the first Mondays in January, April, July, and October, in person or by their agent or agents, make and file with the Treasurer of his or their county in which such toll road or bridge, or the toll house thereon is situate, an affidavit showing the gross amount of toll upon such road or bridge for the three months next preceding the first Mondays of the month in which such settlement is made, and at the same time pay to such Treasurer two per cent of such proceeds. And if any owner or owners of any toll road or bridge shall hereafter, for the period of one month after the end of any quarter as herein prescribed, fail to make such affidavit and payment, the franchise upon such road or bridge shall be forfeited, and the same proceedings shall be taken as prescribed in section three of this Act. **Failure to pay, etc., franchise forfeited.**

3285. SEC. 5. It shall be the duty of the several County Treasurers to pay to the Treasurer of this State, to the credit of the General School Fund of the State, all amounts collected by them under the provisions of this Act, in the same manner and under the same regulations as other moneys due the State from counties are paid. **Amounts collected to be paid into State Treasury.**

3286. SEC. 6. It shall be the duty of the County Commissioners of the several counties of this State, to compel the owners of all toll roads and bridges in their respective counties to keep the same in good repair; and upon complaint of any person traveling such roads or crossing such bridges, it shall be the duty of the Commissioners to ascertain the truth of such complaint, and if true, to notify the owner or owners of such road or bridge, or their agent or agents in charge thereof, that if such road or bridge is not repaired within a reasonable time, to be prescribed by such Commissioners, then they shall direct the District Attorney of their county to commence proceedings, as prescribed in section three of this Act, to forfeit such franchise. **Duty of County Commissioners.**

3287. SEC. 7. Any Act or part of Act inconsistent with this Act is hereby repealed, but only so far as the provisions of this Act are a substitute for or are inconsistent with the provisions of Acts heretofore enacted. **Repeal.**

CHAPTER CVIII.

OF THE PAYMENT OF FINES INTO THE STATE TREASURY.

SECTION 3288. Fines to be paid into State Treasury; judgment may include fees and costs; amount of fine and costs to be separately stated in judgment; defendant to be imprisoned.

An Act in relation to fines.

[Approved January 28, 1867, p. 44.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Fines to be paid into State Treasury. Judgment may include fees and costs. Amount of fine and costs to be separately stated in judgment. Defendant to be imprisoned

3288. SECTION 1. All fines imposed and collected under and for violation of any penal law of this State, shall be paid into the State Treasury, as other State revenues are, and shall be applied to educational purposes. A judgment that the defendant in a criminal case pay a fine may also include as part of such judgment the fees or costs allowed by law to Justices of the Peace, Recorders, Clerks, peace officers, and District Attorneys. The amount of fine and of costs shall be separately stated in the judgment, and the Court shall by such judgment direct that if the judgment or any part thereof is not paid, the defendant be imprisoned one day for each two dollars of the judgment not paid. [As amended March 1, Stats. 1869, p. 96.]

CHAPTER CIX.

OF THE RESTRICTION OF GAMING.

SECTION 3289. Penalty for carrying on game without license.
3290. How license may be procured.
3291. Auditor required to prepare blank licenses; what license shall contain; license to protect licensee; proviso.
3292. Amount to be paid monthly for license; proviso.
3293. License, half to county and half to State.
3294. Carrying on game without license to be punished.
3295. Game not to be carried on in front room; persons under seventeen not permitted to remain.
3296. Licensed gambling house or game not to be suppressed.
3297. Persons not disqualified from testifying.
3298. District Attorney to receive fee for conviction.
3299. Repeal.

An Act to restrict gaming.

[Stats. 1869, p. 119.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3289. SECTION 1. Each and every person who shall deal, play, carry on, open, or cause to be opened, or who shall conduct, either as owner or employé, whether for hire or not, except under a license as hereinafter provided, any game of faro, monte, roulette, lansquenette, rouge et noir, rondo, or any banking game played with cards, dice, or any other device, whether the same be played for money, checks, credit, or any other representative of value, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than one thousand nor more than three thousand dollars, or by imprisonment in the County Jail not less than three months nor more than one year, or by both such fine and imprisonment. **Penalty for carrying on game without license.**

How license may be procured. 3290. SEC. 2. Any person may procure a license for carrying on any one of the games mentioned in section one of this Act, in any single room, upon the payment to the Sheriff of the county in which the same is situated, the amount of license money fixed in section four of this Act, and upon giving to said Sheriff a definite description of the room in which he designs to carry on said game, and filing with the County Clerk of the county a copy of said description.

Auditor required to prepare blank license. 3291. SEC. 3. Blank licenses shall be prepared by the County Auditor, which shall be signed, issued, and accounted for, as is by law provided in respect to other county licenses. Each license delivered by the Sheriff under this Act to any person, shall contain the name of the licensee, a particular description of the room in which the licensee desires to carry on the game licensed, and shall by its terms authorize the licensee to carry on one of the games mentioned in the first section of this Act, specifying it by name, in the room therein described, for the period of three months next succeeding the date of issuance of the license. **What license shall contain.** The said license shall protect the licensee and his employer or employers against any criminal prosecution for dealing or carrying on the game mentioned in the room described during said three months, but not for dealing or carrying on any other game than that specified, or the specified game in any other place than the room so described; *provided*, that the licensee shall be entitled to deal, or play, or carry on two or more games in the same room, by paying a license for each game so dealt or carried on. **License to protect licensee.** **Proviso.**

Amount to be paid monthly for license. 3292. SEC. 4. The amount to be paid to the Sheriff for a monthly license shall be as follows: In any county in which at the general election next preceding the time of application were polled fifteen hundred or more votes, or in any county created after said general election, one hundred dollars, and in all other counties, seventy-five dollars; *provided*, the applicant may procure a quarterly license, in which case there shall be deducted ten per cent from the amount of such license. [As amended March 2, Stats. 1871, p. 107.] **Proviso.**

License, half to county and half to State. 3293. SEC. 5. All moneys received for licenses under the provisions of this Act, shall be paid, one half into the County Treasury and one half into the State Treasury, for general county and State purposes respectively.

Carrying on game without license to be punished. 3294. SEC. 6. Every person who shall knowingly permit any of the games mentioned in the first section of this Act to be played, conducted, dealt, or carried on in any house owned by him or her, in whole or in part, except by a person who has received a license as herein provided, or his employé, and in the room described therein, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished as provided in section one of this Act.

Game not to be carried on in front room. Persons under seventeen not permitted to remain.

3295. SEC. 7. None of the above mentioned games shall be carried on, nor shall any license issue to carry the same on, in any front room of the first or ground floor of any building; and if any person carrying on any of said games shall knowingly permit to enter or remain in any licensed room, any person under the age of seventeen years, he shall be deemed guilty of a misdemeanor, and shall be punished as provided in section one of said Act.

Licensed gambling house or game not to be suppressed.

3296. SEC. 8. No town, city, or municipal corporation in this State shall hereafter have power to prohibit, suppress, or regulate any gaming house, or game licensed as provided by this Act.

Persons not disqualified from testifying.

3297. SEC. 9. No person, otherwise competent as a witness, shall be disqualified or excused from testifying as such, either before a grand or petit jury, or any Court, to any facts concerning the offenses mentioned in the foregoing sections of this Act, on the ground that his testimony may criminate himself.

District Attorney to receive fee for conviction.

3298. SEC. 10. The District Attorney of the county shall receive two hundred and fifty dollars for each conviction of any person charged with the commission of any of the offenses mentioned in this Act, which sum shall be taxed as costs in the action, but in no case shall such costs be a charge against the county.

Repeal.

3299. SEC. 11. An Act entitled "An Act to prevent gaming," approved February twenty-fifth, eighteen hundred and sixty-five, is hereby repealed. [Stats. 1865, p. 169.]

The above Act passed notwithstanding the objections of the Governor.

CHAPTER CX.

OF THE STATE LOAN TO PAY THE TERRITORIAL INDEBTEDNESS.

SECTION 3300. Preamble; loan authorized to be negotiated.
3301. Bonds, how prepared; coupons.
3302. Commissioners for sale of bonds.
3303. Treasurer and Controller to keep separate record; sale of bonds.
3304. Territorial Interest and Sinking Fund; tax to be levied; revenue pledged for payment of bonds; proviso; tax on proceeds of mines not pledged.
3305. Arrangement for the payment of interest.

SECTION 3306. Surplus remaining on payment of interest, how disposed of; surplus to be invested; when.
3307. Report of amount of bonds redeemed, etc., to be made.
3308. Treasurer may exchange bonds for other indebtedness, etc.
3309. Treasurer to advertise readiness to pay bonds; when interest to cease.

An Act authorizing a State loan, and levying a tax to provide means for the payment thereof.

[Approved February 27, 1871, p. 80.]

Preamble.

WHEREAS, The amount of the territorial indebtedness of the late Territory of Nevada, assumed by this State, together with the interest thereon, paid by this State, exceeds the sum of three hundred and eighty thousand dollars, for which sum the bonds of this State may be issued, as authorized by section seven of Article XVII of the Constitution, without being deemed or held subject to the limitations contained in section three of Article IX of the Constitution; therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Loan authorized to be negotiated.

3300. SECTION 1. By virtue of the power granted to the Legislature by the seventh section of Article XVII of the Constitution of the State of Nevada, and for the purpose of paying the principal and interest of the territorial proportion of the State loan of February sixth, one thousand eight hundred and sixty-seven, heretofore assumed by the State, on account of territorial indebtedness and interest, a loan, not exceeding the sum of three hundred and eighty thousand dollars, is hereby authorized to be negotiated on the faith and credit of the State, to be paid within fifteen years from the date of negotiation of said loan, to bear a rate of interest not exceeding ten (10) per cent per annum, from the date of the bonds, payable semi-annually, at such places in San Francisco and in New York City as may be designated by the Treasurer of this State, or at this office of the State Treasurer in Nevada, at the option of the party or parties to whom such bonds are issued.

Bonds, how prepared.

3301. SEC. 2. The State Controller shall cause the bonds to be prepared that are to be issued for the payment of the loan authorized by this Act; which bonds shall be signed by the Governor, countersigned by the Controller, indorsed by the Treasurer, and authenticated with the great seal of the State. Coupons for interest shall be attached to each bond, so that the coupons may be removed without injury or mutilation to the bond. Said coupons, consecutively numbered, shall be signed by the State Treasurer.

Coupons.

Commissioners for sale of bonds.

3302. SEC. 3. The Treasurer and Controller of State, or either of them, by and with the advice and consent of the other, are hereby made Commissioners on the part of the State, to negotiate the sale of the bonds provided herein to be issued; *provided*, no bonds shall be issued or negotiated until on or after the first day of January, one thousand eight hundred and seventy-two, except in exchange for bonds, interest, or other evidences of indebtedness against the State, as provided for in section nine (9) of this Act.

Treasurer and Controller to keep separate record.

3303. SEC. 4. It shall be the duty of the Treasurer and Controller of State, each to keep a separate record of all such bonds as may be issued, showing the number, date, amount, and rate of interest of each bond, and to whom issued. No bond shall be issued for a less sum than one hundred dollars. No bonds issued under the provisions of this Act shall be sold for any currency except gold and silver coin of the United States, nor at less than their par value; and for the payment of said bonds, both principal and interest, in gold and silver coin of the United States, the faith and credit of the State is solemnly pledged.

Sale of bonds.

Territorial Interest and Sinking Fund.

3304. SEC. 5. After the negotiation and sale of the bonds provided for in this Act, it shall be the duty of the State Treasurer to set apart a Fund, for the purpose of paying the principal and interest of said bonds, as the same may become due, which shall be called the "Territorial Interest and Sinking Fund." There shall be levied and collected for the fiscal year commencing January first, one thousand eight hundred and seventy-two, and annually thereafter, until all the bonds issued and sold under this Act shall have been fully paid, both principal and interest, an ad valorem tax of twenty-five (25) cents upon each one hundred dollars of taxable property in the State. The revenue derived from said tax shall be paid into the "Territorial Interest and Sinking Fund," and is hereby set apart, apportioned, and pledged, as well as the faith and credit of the State of Nevada, for and to the payment, both principal and interest, of all bonds of said State, issued in pursuance of the provisions of this Act. No part of the revenue derived from the tax hereinbefore levied shall be paid out, or in any manner diverted from the State Treasury for any other purpose than paying or retiring the bonds, both principal and interest, issued pursuant to the provisions of this Act, except as hereinafter provided; *provided*, that in the event all of the bonds herein authorized to be issued are not sold or disposed of, then it shall be the duty of the Treasurer, immediately after each payment of the semi-annual interest on all outstanding bonds, to transfer to the General Fund so much of the money derived from the tax aforesaid remaining in his hands as shall be the due proportion of the whole of said tax on bonds unsold or undisposed of under the provisions of this Act; *provided further*, that no portion of any tax whatsoever, levied on the proceeds of the mines, shall be construed to form any part of the revenue appropriated and pledged by this section for the redemption of the said bonds, but shall be paid into the General Fund for general State purposes.

Tax to be levied.

Revenue pledged for payment of bonds.

Proviso.

Tax on proceeds of mines not pledged.

Arrangement for the payment of interest.

3305. SEC. 6. It shall be the duty of the said Commissioners to make definite arrangements for the payment of the interest on the said bonds when the same shall fall due, at least sixty (60) days before the time of payment; and, in the event that said Interest and Sinking Fund, as in this Act provided, is insufficient, the said Treasurer shall draw on the General Fund for such purpose; and, in the event that said Funds prove inadequate, the Treasurer, by and with the consent of the Governor and State Controller, or either of them, is authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of the State.

Surplus remaining on payment of interest, how disposed of.

3306. SEC. 7. Whenever, at the time of paying the semi-annual interest on the bonds provided to be issued by this Act, there shall remain a surplus, after the payment of such interest, over and above the amount which it may be necessary to reserve for the payment of the next ensuing semi-annual interest, of five thousand dollars or more, in the Fund created by the fifth section of this Act, it shall be the duty of the Commissioners to advertise in one or more daily newspapers published in this State, and in the Cities of San Francisco and New York, for sealed proposals for the surrender of bonds issued under this Act. They shall advertise the amount of money on hand applicable to the redemption of such bonds, and they shall accept such proposals, at rates not exceeding ten per cent over par value, as may redeem the greatest amount of bonds, until the cash on hand for redemption is exhausted. If there shall be no bids for the surrender of bonds presented to or received by the said Commissioners, as provided in this section, it shall be their duty, by and with the advice and consent of the Governor, to invest the surplus on hand in said Interest and Sinking Fund, for the redemption of said bonds, in the interest-bearing gold bonds of the United States, which bonds, with the interest thereon, shall remain in said Interest and Sinking Fund until it becomes necessary to dispose of them to meet the principal or interest of the bonds provided to be issued by this Act. [As amended February 25, Stats. 1873, p. 94.]

Surplus to be invested, when.

Report of amount of bonds redeemed, etc., to be made.

3307. SEC. 8. The Treasurer and Controller of State shall, on or before the first day of January of each year, report to the Governor a full, true, and correct statement of the amount of bonds redeemed, the amount of interest paid, the amount of interest-bearing gold bonds of the United States purchased, and the amount of money in the treasury belonging to the Fund created by this Act, and the Governor shall report the same in detail to each biennial session of the Legislature.

Treasurer may exchange bonds for other indebtedness, etc.

3308. SEC. 9. Nothing contained in this Act shall be so construed as to prevent the State Treasurer from exchanging the bonds issued by virtue of this Act for any of the outstanding bonds and interest, or other evidences of indebtedness provided to be paid or retired by section one of this Act, but such exchanges may be made at their par value; and he shall use the proceeds obtained from the sale of bonds issued under the provisions of the Act only for the purpose of paying the bonds and interest thereon, provided to be paid by section one of this Act.

Treasurer to advertise readiness to pay bonds.

3309. SEC. 10. After the bonds authorized to be issued under the provisions of this Act shall fall due, and there shall be in the State Treasury money applicable to the payment of such bonds, the State Treasurer shall advertise in a newspaper published in this State, and in the Cities of New York and San Francisco, for the period of thirty days, his readiness to redeem and pay said bonds, giving the number and date of each bond

When interest to cease.

to be so redeemed. The Treasurer shall keep on hand the principal and interest on any advertised bond, and no bond shall bear interest after the expiration of thirty days from the time the Treasurer advertises his readiness to pay the same.

CHAPTER CXI.

OF THE STATE LOAN TO PAY OUTSTANDING STATE BONDS AND THE FLOATING DEBT.

SECTION 3310. Loan authorized to be negotiated.
3311. Bonds, how prepared; coupons.
3312. Sale of bonds.
3313. Commissioners for sale of bonds; loan; proviso; loan; proviso.
3314. State Interest and Sinking Fund; revenue not to be diverted from payment of principal and interest; proviso.
3315. Arrangements for payment of interest.
3316. Surplus remaining on payment of interest, how disposed of; surplus to be invested, when.
3317. Report of amount of bonds redeemed, etc., to be made.
3318. Treasurer to advertise readiness to pay bonds; when interest to cease.
3319. Separate record.

An Act to authorize a State loan, for the purpose of paying the State proportion of the bonds issued under the Act, approved February sixth, one thousand eight hundred and sixty-seven; and to fund the floating debt, and to place the State upon a permanent cash basis.

[Approved February 27, 1871, p. 84.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Loan authorized to be negotiated.

3310. SECTION 1. By virtue of the power granted to the Legislature by the third section of Article IX of the Constitution of the State of Nevada, and for the purpose of paying the State proportion of the bonds issued under the Act approved February sixth, one thousand eight hundred and sixty-seven, amounting to the sum of one hundred and twenty thousand (120,000) dollars, and to provide for the payment of registered warrants, and to place the State upon a permanent cash basis, a loan of two hundred and eighty thousand (280,000) dollars, is hereby authorized to be negotiated, on the faith and credit of the State, to be paid within ten years from the date of negotiation of said loan, to bear a rate of interest not exceeding ten (10) per cent per annum, from the date of the issuance of the bonds, payable semi-annually at such places in San Francisco and New York

City, as may be designated by the Treasurer of this State, or at the office of the State Treasurer in Nevada, at the option of the party or parties to whom such bonds are issued.

Bonds, how prepared. **Coupons.**

3311. SEC. 2. The State Controller shall cause the bonds to be prepared, that are to be used for the payment of the loan authorized by this Act; which bonds shall be signed by the Governor, countersigned by the Controller, indorsed by the Treasurer, and authenticated with the great seal of the State. Coupons for interest shall be attached to each bond, so that the coupons may be removed without injury or mutilation to the bond. Said coupons, consecutively numbered, shall be signed by the State Treasurer.

Sale of bonds.

3312. SEC. 3. No bonds, issued under the provisions of this Act, shall be sold for any currency except gold and silver coin of the United States, nor at less than their par value; and for the payment of said bonds, both principal and interest, in gold and silver coin of the United States, the faith and credit of the State is solemnly pledged.

Commissioners for sale of bonds. **Loan.** **Proviso.** **Loan.** **Proviso.**

3313. SEC. 4. The Treasurer and Controller are hereby made Commissioners on the part of the State, and they or either of them, with the advice and consent of the other, are hereby authorized to negotiate the sale of the bonds provided herein to be issued. It shall be the duty of said Commissioners to negotiate a loan, not exceeding one hundred and sixty thousand (160,000) dollars, to pay the registered warrants, and to place the State on a permanent cash basis at as early a day as practicable; *provided*, the State Treasurer may exchange any of the bonds issued under this Act for outstanding registered warrants, at their par value, in sums not less than one hundred (100) dollars. It shall also be the duty of said Commissioners, on or after the first day of January, one thousand eight hundred and seventy-two, to negotiate a loan, not exceeding one hundred and twenty thousand (120,000) dollars, to pay the State proportion of the bonds issued under the Act of February sixth, one thousand eight hundred and sixty-seven, at their maturity; *provided*, the Treasurer may, at any time, exchange any of the bonds issued under this Act, for any of the bonds named in section one, at their par value, in sums not less than one thousand (1,000) dollars.

State Interest and Sinking Fund.

3314. SEC. 5. After the negotiation and sale of the bonds provided for in this Act, it shall be the duty of the State Treasurer to set apart a Fund for the purpose of paying the principal and interest of said bonds when they shall become due, which shall be called the State Interest and Sinking Fund. There shall be levied and collected for the first fiscal year, commencing January first, one thousand eight hundred and seventy-one, an ad valorem tax of twelve and one half cents upon each one hundred dollars of the taxable property in this State, to provide for the interest on the one hundred and sixty thousand (160,000) dollars; and there shall be levied and collected, for the fiscal year commencing January first, one thousand eight hundred and seventy-two, and annually thereafter, until all the bonds issued and sold under the provisions of this Act shall have been fully

Revenue not to be diverted from payment of principal and interest.

paid, both principal and interest, an ad valorem tax of twenty-five (25) cents upon each one hundred dollars of the taxable property in this State. The revenue derived from said tax shall be paid into the State Interest and Sinking Fund, and is hereby set apart, appropriated, and pledged, as well as the faith and credit of the State of Nevada, for and to the payment, both principal and interest, of all bonds of said State issued in pursuance of the provisions of this Act. No part of the revenue derived from the tax herein levied, shall be paid out, or in any manner diverted from the State Treasury, for any other purpose than paying or retiring the bonds, both principal and interest, issued pursuant to the provisions of this Act, except as hereinafter provided; *provided*, that no portion of any tax whatsoever, levied on the proceeds of the mines, shall be construed to form any part of the revenue appropriated and pledged by this section for the redemption of the said bonds, but shall be paid into the General Fund for general State purposes.

Proviso.

Arrangements for payment of interest.

3315. SEC. 6. It shall be the duty of the Treasurer and Controller of State to make definite arrangements for the payment of the interest on the said bonds when the same shall become due, at least sixty days before the time of payment, and in the event that said Interest and Sinking Fund, as in this Act provided, is insufficient, the said Treasurer and Controller shall draw on the General Fund for such purpose; and in the event that said Funds prove inadequate, the said Commissioners are hereby authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of the State.

Surplus remaining on payment of interest, how disposed of.

3316. SEC. 7. Whenever, at the time of paying the semi-annual interest on the bonds provided to be issued by this Act, there shall remain a surplus, after the payment of such interest, over and above the amount which it may be necessary for the payment of the next semi-annual interest, of five thousand dollars, or more, in the Fund created by the fifth section of this Act, it shall be the duty of the Commissioners to advertise in one or more daily newspapers published in this State, and in the Cities of San Francisco and New York, for sealed proposals for the surrender of bonds issued under this Act. They shall state in such advertisement the amount of money on hand applicable to the redemption of such bonds, and they shall accept such proposals, at rates not exceeding ten per cent over par value, as may redeem the greatest amount of bonds, until the cash on hand for redemption is exhausted. If there shall be no bids for the surrender of bonds presented to or received by the said Commissioners, as provided in this section, it shall be their duty, by and with the advice and consent of the Governor, to invest the surplus on hand in said Interest and Sinking Fund, for the redemption of said bonds, in the interest-bearing gold bonds of the United States; which bonds, with the interest thereon, shall remain in said Interest and Sinking Fund until it shall become necessary to dispose of them to meet the principal or interest of the bonds provided to be issued by this Act. [As amended February 25, Stats. 1873, p. 95.]

Surplus to be invested, when.

3317. SEC. 8. The Treasurer and Controller of State shall, on or before the first day of January of each year, report to the

Governor a full, true, and correct statement of the amount of bonds redeemed, the amount of interest paid, the amount of interest-bearing gold bonds of the United States purchased, and the amount of money in the treasury belonging to the Fund created by this Act, and the Governor shall report the same in detail to each biennial session of the Legislature.

Report of amount of bonds redeemed, etc., to be made.

3318. SEC. 9. After the bonds authorized to be issued under the provisions of this Act shall fall due, and there shall be in the State Treasury money applicable to the payment of such bonds, the State Treasurer shall advertise in a newspaper published in this State, and in the Cities of New York and San Francisco, for the period of thirty days, his readiness to redeem and pay said bonds, giving the number and date of each bond to be so redeemed. The Treasurer shall keep on hand the principal and interest on any advertised bond, and no bond shall bear interest after the expiration of thirty days from the time the Treasurer advertises his readiness to pay the same.

Treasurer to advertise readiness to pay bonds.

When interest to cease.

SEC. 10. [Obsolete.]

3319. SEC. 11. It shall be the duty of the Treasurer and Controller of State, each to keep a separate record of all such bonds as may be issued, showing the number, date, amount, and rate of interest of each bond, and to whom issued.

Separate record.

CHAPTER CXII.

OF THE MAINTENANCE AND SUPERVISION OF PUBLIC SCHOOLS; THE SAFEKEEPING OF SECURITIES OF STATE SCHOOL FUND, AND THE PERCENTAGE ON SALES OF PUBLIC LANDS.

SECTION 3320. School Fund.
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SECURITIES OF STATE SCHOOL FUND.

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An Act to provide for the maintenance and supervision of public schools.

[Approved March 20, 1865, p. 413.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3320. SECTION 1. The principal of all moneys accruing to this State from sale of lands heretofore given or bequeathed, or that may hereafter be given or bequeathed for public school purposes, all fines collected under the penal laws of the State, two per cent of the gross proceeds of all toll roads and bridges, and all estates that may escheat to the State, shall be, and the same are hereby solemnly pledged for educational purposes, and shall not be transferred to any other Fund for other uses, but shall constitute an irreducible and indivisible Fund, to be known as the State School Fund, the interest accruing from which shall be divided semi-annually among all the counties in this State entitled by the provisions of this Act to receive the same, in proportion to the ascertained number of persons between the ages of six and eighteen years in said counties, for the support of public schools. [As amended March 8, Stats. 1867, p. 89.] School Fund.

3321. SEC. 2. The Governor, the Superintendent of Public Instruction, and the Surveyor General of this State, shall constitute a State Board of Education, of which the Governor shall be the President, and the Superintendent shall be the Secretary. [As amended March 8, Stats. 1867, p. 90.] Board of Education.

3322. SEC. 3. The State Board of Education shall have a seal, an impression and description of which shall be deposited in the office of the Secretary of State. It shall be the duty of said Board to hold semi-annual sessions, for the purpose of devising plans for the improvement and management of the public school funds, and for the better organization of the public schools of the State, and such special sessions as may be called by the President. A full record of the proceedings of the Board shall be kept by the Secretary, and shall be embodied in the annual report of the Superintendent of Public Instruction. [As amended March 7, Stats. 1873, p. 156.] Seal of State Board of Education. Sessions of Board. Record of.

3323. SEC. 4. The Superintendent of Public Instruction shall be elected by the qualified voters of the State, at the general election for State and county officers, to be held in the year eighteen hundred and sixty-six, and every four years thereafter at such general elections, and shall enter upon the duties of his office on the first Monday in January next after Election of Superintendent of Public Instruction his election. He shall be paid a salary of two thousand dollars per annum.

Duties of Superintendent. 3324. SEC. 5. It shall be the duty of the Superintendent of Public Instruction, subject to the supervision of the State Board of Education, immediately after the State Controller shall have made his semi-annual report, as hereinafter required, to apportion to the several counties the amount of school money in the State Treasury to which each shall be entitled under the provisions of this Act, in proportion to the number of persons between the ages of six and eighteen years residing therein, as shown by the last previous reports of the County Superintendents, and to furnish to the State Controller, to each County Treasurer, and to each County Superintendent, an abstract of such apportionment, and, with such apportionment, to furnish each County Treasurer his order on the State Controller, under the seal of the State Board of Education, for the amount of school moneys in the State Treasury to which such counties shall be entitled, and to take such County Treasurer's receipt for the same. [As amended March 8, Stats. 1867, p. 90.]

Superintendent's report. 3325. SEC. 6. The Superintendent of Public Instruction shall report to the Governor biennially, on or before the first of December of the years preceding the regular session of the Legislature. The Governor shall transmit said report to the Legislature, and whenever it is ordered published, the State Printer shall deliver two hundred and fifty copies to the Superintendent, who shall distribute the same among school officers of the State and of the United States. Said report shall contain a full statement of the condition of public instruction in the State; a statement of the condition and amount of all funds and property appropriated for the purpose of education; the number and grade of schools in each county; the number of children in each county between the ages of six and eighteen years; the number of such attending public schools; the number of such attending private schools; the number attending no school; the number under six years of age; the number between eighteen and twenty-one years of age; the amount of public school moneys apportioned to each county; the amount of money raised by county taxation, district tax, rate bills, subscription, or otherwise, by any city, town, district, or county, for the support of schools therein; the amount of money raised for building school houses; a statement of plans for the management and improvement of public schools; and such other information relative to the educational interests of the State as he may think of importance. [As amended March 6, Stats. 1869, p. 169.]

Duties of. 3326. SEC. 7. The Superintendent of Public Instruction shall prescribe suitable forms and regulations for making all reports and conducting all necessary proceedings under this Act, and shall cause the same, with such instructions as he shall deem necessary and proper for the organization and government of schools, to be transmitted to the local school officers, who shall be governed in accordance therewith. He shall prepare a convenient form of school register, for the purpose of securing more accurate returns from teachers of public schools, and shall furnish each County Superintendent with a number, sufficient to supply at least one copy thereof to each district or school of such county. He shall prepare pamphlet copies of the school law, and all amendments thereto, and shall transmit a number of the same to the County Superintendents, sufficient to supply each and every School Trustee, School Marshal, and school teacher with at least one copy of the same. [As amended March 7, Stats. 1873, p. 156.]

State Teachers' Institutes.

3327. SEC. 8. The Superintendent of Public Instruction, by and with the consent of the Board of Education, shall have power to convene a State Teachers' Institute annually, in such place, and at such time, as he may deem advisable, and shall preside over and regulate the exercises of such Institute. He shall engage such lecturers and teachers as he may deem advisable to conduct the exercises of such Institute, which shall be continued not less than five nor more than ten days. The expenses incurred in holding such State Institute, not exceeding one hundred dollars, shall be paid out of the General Fund; and the State Controller is hereby authorized and directed to draw his warrants for the same upon the order of the State Board of Education, approved by the State Board of Examiners. [As amended March 8, Stats. 1867, p. 90.]

Visiting schools.

3328. SEC. 9. It shall be the duty of the Superintendent of Public Instruction to visit each county in the State, at least once in each year, for the purpose of visiting schools, of consulting County Superintendents, of lecturing and addressing public assemblies on subjects pertaining to public schools; and the actual traveling expenses incurred by the Superintendent in the discharge of this duty, shall be allowed, audited, and paid out of the General Fund, in the same manner as claims upon said Fund are now allowed, audited, and paid; *provided*, that the sum so expended in any one year shall not exceed one thousand dollars. [As amended March 8, Stats. 1867, p. 91.]

Expenses.

Superintendent to deliver books, etc., to successor

3329. SEC. 10. The Superintendent of Public Instruction shall, at the expiration of his term of office, deliver over, on demand, to his successor, all property and effects belonging to his office, and take his receipt for the same. [As amended March 8, Stats. 1867, p. 91.]

Duty of State Treasurer.

3330. SEC. 11. It shall be the duty of the State Treasurer to pay over all public school moneys received by him only on warrants of the State Controller, issued upon orders of the Superintendent of Public Instruction, under seal of the Board of Education, in favor of County Treasurers, or on orders of the State Board of Education for purposes of investment, as provided in section three of this Act, which orders, duly indorsed, shall be valid vouchers in the hands of the State Controller for the disbursement of public school moneys. [As amended March 8, Stats. 1867, p. 91.]

Same.

3331. SEC. 12. All school moneys due each county in the State shall be paid over by the State Treasurer to the County Treasurers, on the tenth day of January and the tenth day of July of each year, or as soon thereafter as the County Treasurer may apply for the same, upon the warrant of the State Controller, drawn in conformity with the apportionment of the Superintendent of Public Instruction, as provided in section five of this Act. [As amended March 8, Stats. 1867, p. 91.]

Controller, account.

3332. SEC. 13. The State Controller shall keep a separate and distinct account of the Public School Fund, and of the interest and income thereof, together with such moneys as shall be raised by State tax, or special appropriation, or otherwise, for the support of public schools.

Controller, statements.

3333. SEC. 14. The State Controller shall, on or before the tenth day of April and the tenth day of October, of each year, make to the State Board of Education a statement of the securities belonging to the State School Fund. He shall, also, on or before the tenth day of January and the tenth day of July, in each year, render to the Superintendent of Public Instruction a statement of the moneys in the Treasury subject to distribution to the several counties of the State, as provided in section five of this Act. [As amended March 8, Stats. 1867, p. 91.]

County Treasurer to receive school moneys.

3334. SEC. 15. It shall be the duty of the County Treasurer of each county:

First—To receive and hold, as a special deposit, all public school moneys, whether received by him from the State Treasurer, or raised by the county for the benefit of public schools, or from any other source, and to keep a separate account thereof, and of their disbursement.

To notify County Commissioners.

Second—On receiving any public school moneys subject to distribution, to notify the County Superintendent of Public Schools of the amount thereof.

Pay warrants.

Third—To pay over, on the warrant of the County Superintendent, duly indorsed by the person entitled to receive the same, the several amounts of school moneys to which each city, town, and district shall be entitled; and,

Report.

Fourth—On or before the first day of October, annually, to make a full report to the Superintendent of Public Instruction, of the public school moneys received into the County Treasury within the school year ending on the last day of August next previous thereto, with a particular statement of the disbursement of the said school moneys, and of any amount of said school moneys which may remain in his hands for distribution at the close of such school year, designating whether of State or County School Fund. And in case of failure or neglect of said County Treasurer to make such report, he shall forfeit, for the benefit of the County School Fund, the sum of one hundred dollars from his official compensation; and it is hereby made the duty of the County Commissioners, on notice from the Superintendent of Public Instruction of such failure or neglect on the part of any County Treasurer, to deduct said one hundred dollars from his compensation, and place said amount to the credit of the County School Fund. [As amended March 7, Stats. 1873, p. 156.]

Penalty.

Election of County Superintendent

3335. SEC. 16 A County Superintendent of Public Schools shall be elected in each county at the general election in the year eighteen hundred and sixty-six, and every two years thereafter, who shall take his office on the first Monday in January next succeeding his election, and hold for two years, and until his successor is elected and qualified. He shall take the oath or affirmation of office, and shall give an official bond to

Oath.

Bond.

the county in a sum to be fixed by the Board of Commissioners of said county.

3336. SEC. 17. It shall be the duty of the County Superintendent of Public Schools, upon receiving notice from the County Treasurer and the County Auditor, as provided in this Act, to apportion the public school moneys in the County Treasury among the several school districts of his county, in proportion to the number of children between the ages of six and eighteen years, as returned by the School Trustees and Census Marshals, and to forthwith notify the County Treasurer and the School Trustees, in writing, of such apportionment, in detail. He shall make such apportionment on the first Monday in January of each year, and quarterly thereafter. He shall have power, and it shall be his duty, to draw his warrant on the County Treasurer, in favor of the Trustees of any school district in his county, for any bill duly signed by said Trustees, and authorized by this Act; *provided*, that such warrant shall not be drawn except upon presentation of an itemized account, and until full and correct returns have been made to him as required by law; *and, provided further*, that, if in the opinion of the Superintendent, any bill contain an exorbitant or unwarranted charge, he may refuse to draw his warrant until ordered to do so by the Board of County Commissioners, who shall act as auditors upon all bills rejected by the County Superintendent. No warrant shall be drawn in favor of any school district, unless there be cash in the Treasury at the time to the credit of said district. [As amended March 7, Stats. 1873, p. 156.]

County Superintendent to apportion moneys.

To draw warrants.

Veto.

Commissioners to act upon rejected bills.

3337. SEC. 18. The County Superintendent shall have power and it shall be his duty:

First—To visit each public school in his county within ten miles of the county seat at least once in each term; *provided*, that he shall visit all the schools in his county once in each year; to exercise a general supervision over the interests of the public schools in his county, and give to the School Trustees, Marshals, and teachers such aid as may be important to the prosperity of the schools.

Superintendent to visit schools.

Second—To distribute promptly such blank reports, forms, laws, and instructions as shall be received by him from the Superintendent of Public Instruction, for the use of School Trustees, Marshals, and teachers, and any other officers entitled to receive the same.

Distribute blanks.

Third—To keep on file in his office the reports of the School Trustees, Marshals, and teachers received by him, and to record all his official acts in a book to be provided for that purpose, together with a full record of the proceedings of the County Board of Examination; and at the close of his official term to deliver to his successor such records, and all documents, books, and papers belonging to his office, and to take a receipt for the same, which shall be filed in the office of the County Treasurer and the County Auditor.

File reports.

Fourth—To make a full report annually, on or before the fifteenth day of September, for the school year ending on the last day of August next previous thereto, to the Superintendent

To make annual reports.

of Public Instruction, such report to include an abstract of all the various annual reports of the City Boards of Education, School Trustees, Marshals, and teachers, by law required to be made to the County Superintendent for the preceding school years.

To preside over Institutes.

Fifth—To preside over, regulate, and conduct all County Teachers' Institutes which may be called under the provisions of the section of this Act providing for the calling of such Institutes.

To appoint School Trustees.

Sixth—To appoint School Trustees in all the districts in which the qualified voters fail to elect, and to fill by appointment all vacancies occurring in said office.

Draw warrants.

Seventh—To draw his warrants on the County Treasurer, in favor of the Board of Trustees, for the purchase of school books, which may be furnished by said Trustees to indigent children of the district, making the same payable out of the county school moneys apportioned to such district.

Subscribe for newspapers.

Eighth—To subscribe annually for a sufficient number of copies of an educational journal devoted exclusively to educational purposes, to furnish each school officer and teacher in his county with a copy of the same, and one copy to be filed with the records of the district, and to pay for the same in the same manner as other contingent expenses of the district are paid out of the County School Fund. [As amended March 7, Stats. 1873, p. 156.]

Failure to make report.

3338. SEC. 19. If the County Superintendent fail to make a full and correct report to the Superintendent of Public Instruction of all statements required to be made by law, he shall forfeit the sum of two hundred dollars from his salary; and the Board of Commissioners are hereby authorized and required to deduct therefrom the sum aforesaid upon information from the Superintendent of Public Instruction that such returns have not been made; and in case said Superintendent remains delinquent for a period of two months, it shall be the duty of the State Superintendent of Public Instruction to give notice to the Board of County Commissioners of such county of the removal from office of said delinquent, and the appointment of some other person to fill the vacancy.

Teachers' Institutes.

3339. SEC. 20. The County Superintendent shall have the power to call one or more Teachers' Institutes annually, and the expense of such Institutes shall be payable out of the County General Fund, upon the warrant of the County Superintendent; *provided*, that the Board of Commissioners authorize such Institutes upon the application of the County Superintendent; *and provided*, that the expenses of such Institutes shall not exceed the sum of one hundred dollars in any one year.

Superintendent, compensation and duty of.

3340. SEC. 21. The County Superintendent shall receive for his official services such compensation as shall be allowed by the Board of Commissioners of his county, which shall be audited and paid in the same manner as other county salaries and expenses are audited and paid; *provided*, that such compensation shall be at least sufficient to pay all necessary traveling expenses incurred by him in discharge of the duties required of him by law. He may appoint a deputy, who shall have authority to transact all the business of the office during the absence or inability of the Superintendent; *provided*, that the county shall not be responsible for payment of the salary of such deputy. He shall, in person or by deputy, attend at his office during business hours of Saturday of each week, for the purpose of drawing warrants and the transaction of any other official business. [As amended March 7, Stats. 1873, p. 156.]

Election of School Trustees.

3341. SEC. 22. At the general election of the several counties in this State in A. D. eighteen hundred and seventy-four, there shall be elected by the qualified voters of each district, a Board of School Trustees, to consist of three members; *provided*, that in any district wherein the number of votes cast at the last previous general election exceeded fifteen hundred, such Board shall consist of five members. At said general election in eighteen hundred and seventy-four, and each general election thereafter, there shall be elected in each district one Trustee, to serve upon the Board of Trustees four years; and a term of four years shall be known, both in this Act and for the purpose of the election of School Trustees, as the long term; and the other Trustee or Trustees (as the case may be), necessary to fill the Board, shall be elected to serve upon the Board for the term of two years; *provided*, that in any district entitled under the provisions of this Act to five Trustees, two of the Trustees shall be elected to serve upon the Board for the long term. Trustees shall enter upon the duties of their office on the first Monday of January succeeding their election. They are hereby authorized to administer to each other the oath or affirmation of office. Certificates of election shall be issued the same as to county and township officers, which certificates, with the oath or affirmation indorsed thereon, shall be forwarded to the County Superintendent, who shall file the same in his office. [As amended March 7, Stats. 1873, p. 156.]

Term of office, when to commence.

Certificate of election.

County Superintendent to appoint Trustees, when.

3342. SEC. 23. If the qualified voters of any district shall fail to elect School Trustees, as prescribed in the next preceding section of this Act, it shall be the duty of the County Superintendent to appoint Trustees for said district, who shall take the oath of office, which shall be indorsed on their appointment, and filed in the office of the County Superintendent of Public Schools; and they shall hold their office until their successors are elected and qualified. [As amended March 7, Stats. 1873, p. 156.]

Board of Trustees, duties of.

3343. SEC. 24. It shall be the duty of the Trustees, a majority of whom shall constitute a quorum for the transaction of business, to meet as soon as practicable after taking the oath of office, at such place as may be most convenient in the district, and to organize by appointing one of their number Clerk of the Board, who shall preside at official meetings of the Trustees and record their proceedings in a book to be provided for the purpose; and all such proceedings, when so recorded, shall be signed by said Clerk. Said book shall at all times be subject to the inspection of any taxpayer in the district; and said Clerk shall cause full minutes of the proceedings of each session of the Board to be published in some newspaper having general circulation in the district; *provided*, that such publication may be had without expense to the district. In districts having a school population of three hundred or more, the Clerk of the Board of Trustees may receive such salary as said Board may allow; *provided*, that such salary shall not exceed ten dollars per month. [As amended March 7, Stats. 1873, p. 156.]

Powers of. 3344. SEC. 25. Each Board of Public School Trustees shall constitute a body corporate, and shall have care and custody of all school property within their district. They shall have power to convey by deed all the estate or interest of their district in any school house or site directed to be sold by vote of the district. It shall be their duty, directed by a vote of their district, to build, purchase, or hire school houses for the use of the district, and also, without such vote, to cause any needed repairs of the same, when the expense of such repairs will not exceed five hundred dollars, and to supply school houses with necessary furniture, fixtures, and fuel; *provided*, that no public school house shall be erected in any school district in the State until the plan of the same has been submitted to and approved by the County Superintendent of Public Schools. County Superintendents may refuse to draw their warrants in payment of expenses incurred in disregard of this provision. Trustees shall cause to be erected such outhouses as decency requires; and in case of failure or neglect in this particular, it shall be the duty of the County Superintendent to cause the work to be done, and to pay for the same out of the Fund belonging to the delinquent district. All conveyances of real estate made to the Board of School Trustees shall be in their corporate name and to their successors in office. [As amended March 7, Stats. 1873, p. 156.]

Conveyance of real estate.

Board not to be interested in contracts 3345. SEC. 26. No Trustee shall be pecuniarily interested in any contract made by the Board of Trustees of which he is a member; and any contract made in violation of this section shall be null and void.

Annual census. 3346. SEC. 27. It shall be the duty of the Trustees in each district to take, or cause to be taken by a School Census Marshal, annually, in the month of May, an enumeration of all the children between the ages of six and eighteen years, resident within such district, and return a certified copy thereof, under oath, to the County Superintendent, on or before the first day of July next following. The Trustees shall also report the number of schools, specifying the different grades; the number of teachers, male and female; the number of children, male and female, who have attended school within the past year; the average attendance; the length of the term of school; the compensation of teachers, male and female; the number and condition of school houses and furniture, and the estimated value thereof; the number of books in public school libraries; the text books used in schools; the kind and value of school apparatus; the amount of money raised by rate bills, district taxation, and subscription for school purposes; the amount expended in erecting and furnishing school houses, and such other statistics as the Superintendent of Public Instruction may require. [As amended March 6, Stats. 1869, p. 172.]

Teachers. 3347. SEC. 28. It shall be the duty of the School Trustees to employ teachers, and to certify the amount due them for services to the County Superintendent, who shall draw a warrant on the County Treasurer for the amount; *provided,* that salaries of teachers shall be determined by the character of the service required, and that in no district shall there be discrimination in the matter of salary as against female teachers. Trustees may dismiss any teacher at any time for such reasons as they may deem sufficient. They shall visit the school or schools under their charge at least once in each term, by one or more of their number, with such other persons as they may choose to invite. [As amended March 7, Stats. 1873, p. 156.] **Trustees may dismiss.**

3348. SEC. 29. The School Trustees shall have power, and it shall be their duty: First—To provide school houses with maps, blackboards, furniture, and other necessary appendages, including library and cabinet cases, if deemed expedient, and pay for the same out of the county school moneys belonging to their district. Second—To provide books for the indigent children, and record books for the district, and to pay for the same out of the county school moneys belonging to their district. Third—To divide the public schools within their district into primary, grammar, and high school departments, and to employ competent and legally qualified teachers for the instruction of the different departments, whenever they shall deem such division into departments advisable; *provided,* there be sufficient means for all such departments, and if not, then in the order in which they are herein named, the primary school having preference. Fourth—To suspend or expel from any public school within their district, with the advice of the teacher, any pupil who will not submit to the reasonable and ordinary rules of order and discipline therein, and to exclude from school children under six years of age, when the interest of the school requires it to be done. Fifth—To apportion the school funds among the several schools within their district, in proportion to the average number of pupils attending such schools. Sixth—At the close of their official term, to deliver over their books of record, and all papers, books, blanks, documents, moneys, and all other property in their hands as such Trustees, to their successors in office, and take their receipt for the same, which receipt shall be filed with the County Superintendent. **Trustees, powers of.**

3349. SEC. 30. The School Trustees shall also have power: First—To unite two contiguous school districts in the same county, or in adjoining counties, and to establish a union school, to be supported out of the funds belonging to their respective districts; and a school thus established shall be governed by a joint Board, composed of the Trustees of the combining districts. Second—To make arrangements with the Trustees of any adjoining district for the attendance of such children in the school of either district as may be best accommodated therein, and to transfer the school moneys due by apportionment to such children, to the district in which they may attend school. **Further powers.**

3350. SEC. 31. When the State and county money to which any district is entitled is not sufficient to keep a school open in such district for at least six months in each year, it is hereby made the duty of the Trustees of each district to levy, and they shall levy, a direct tax upon the taxable property in such district, sufficient to raise an amount which, together with the **District tax.**

State and county money to which such district is entitled, will keep a school open six months in each year; and such tax shall be assessed, equalized, and collected in the manner prescribed for assessing, equalizing, and collecting taxes voted for furnishing additional school facilities, in sections thirty-five and thirty-six of this Act. The taxes so levied shall include a sum sufficient to pay the cost of assessing and collecting.

School Census Marshal. 3351. SEC. 32. It shall be the duty of the School Trustees of each district to appoint a School Census Marshal, on or before the first day of May in each year, and file a copy of his certificate of appointment with the County Superintendent of their county. It shall be the duty of such School Census Marshal to take, annually, in the month of May, a specific census of all the children in his district between the ages of six and eighteen years, specifying the number and sex of such children, together with the names and ages of all children between the ages of eight and fourteen years, the names of their parents or guardians, and the city, town, or district in which they reside; to include all children who may be attending colleges, boarding schools, or other private institutions of learning, as resident in the city, town, or district in which the parents or guardians of such children may reside, and not to include such non-resident children in the city, town, or district where they may be attending such private schools; to report the number attending private schools; the number not attending schools, setting forth their names and ages; the number between the ages of eighteen and twenty-one; the number born in Nevada, with such other statistics as the Superintendent of Public Instruction may require, and to make a full report thereof in writing, under oath or affirmation, to the County Superintendent, and deliver a copy thereof, in writing, to the School Trustees or Board of Education in his district, town, or city, on or before the first day of July next after his appointment. Compensation of. Said School Census Marshals shall be paid for their official services such compensation as may be allowed by the Board of Commissioners of such county, upon recommendation of the School Trustees; and such demands shall be audited and paid in the same manner as other county salaries and expenses are audited and paid. [As amended March 7, Stats. 1873, p. 156.]

Teachers, payment of forbidden in certain cases. *3352. SEC. 33. No teacher shall be entitled to receive any portion of the public school moneys as compensation for services rendered, unless such teacher shall have been legally employed by the Board of Trustees, nor unless such teacher shall have had a certificate from the State Board of Examination, or from the County Board of Examination, in full force and effect, nor unless such teacher shall have made a full and correct report, in the form and manner prescribed by law, to the County Superintendent and to the Board of School Trustees.

Register of scholars. 3353. SEC. 34. All teachers of public schools shall keep a register of all the scholars attending such school, their ages, daily attendance, and time of continuance at school, and such further statistics as may be required by the Superintendent of Public Instruction, and shall deliver such register, at the close of their term of employment, to the Board of Trustees of their district.

3354. SEC. 35. The Board of Trustees of any school district may, when in their judgment it is advisable, call an election, and submit to the qualified electors of the district the question whether a tax shall be raised to furnish additional school facilities for said district, or to keep any school or schools in such district open for a longer period than the ordinary funds will allow, or for building an additional school house or houses, or for any two or all of these purposes. Such election shall be called by posting notices in three of the most public places in the district for twenty days, and also, if there be a newspaper in the county, by advertisement therein once a week for three weeks. (1) Said notices shall contain the time and place of holding the election, the amount of money proposed to be raised, and the purpose or purposes for which it is intended to be used. The Trustees shall appoint three judges to conduct the election, and it shall be held, in all other respects, as nearly as practicable, in conformity with the general election law. At such election, the ballots shall contain the words "Tax, Yes," or "Tax, No." If a majority of the votes cast are "Tax, Yes," the officers of the election shall certify the fact to the County Commissioners, together with a statement of the amount of money proposed to be raised, who shall ascertain the necessary percentage on the property of said district (as shown by the last assessment made thereof, after equalization), to raise the amount of money voted, and shall add it to the next county tax, to be collected on the property aforesaid. The same shall be paid into the County Treasury as a special deposit in favor of said school district, to be drawn in the same manner as the other school moneys. [As amended March 6, Stats. 1869, p. 172.]

Special tax, election to be called.

Notice.

Ballots.

Duty of Commissioners.

(1) TIME OF PUBLICATION—"ONCE A WEEK FOR THREE WEEKS."—Where a statute for the maintenance of public schools (Stats. 1864–5, p. 413, Sec. 35,) provided that to impose an additional school tax, an election should be called by posting notices for twenty days, and "if there is a newspaper in the county, by advertisement therein once a week for three weeks": *Held*, that it was not necessary for the call to be published twenty-one days before the day of election, but that three insertions upon three successive weeks, and at any time in any of such weeks before the election, were sufficient.—State v. Yellow Jacket Mining Co., 5 Nev., p. 415.

3355. SEC. 36. If for any reason said tax is not added to the county tax by the County Commissioners, the County Auditor shall enter it on the assessment roll, to be charged against the property of that district, on application from the Trustees of said district. [As amended March 6, Stats. 1869, p. 172.]

County Auditor to enter tax on assessment roll, when.

3356. SEC. 37. All taxes assessed as in this Act provided shall constitute a lien on the property charged therewith, from the date of the levy thereof by the County Commissioners, or entry thereof on the assessment roll by the County Auditor, until the same are paid, and their payment, if allowed to become delinquent, shall be enforced in the same manner. [As amended March 6, Stats. 1869, p. 172.]

Taxes lien on property.

Rate bills of tuition.

3357. SEC. 38. After a school shall have been maintained free to all pupils six months of the current school year, the Trustees of any district shall have power, at their discretion, to assess such rate bills of tuition as they may deem necessary for the payment of teachers' salaries, in addition to the public moneys of such district. Said rate bills of tuition shall be made out by said Board of Trustees against all persons sending children to school, in proportion to the number of children sent, and the time of attendance of said children; and the Board of Trustees shall exempt such indigent persons from the payment of such rate bills as they may consider entitled to such exemption. Any person refusing or neglecting to pay said bills shall be excluded from the benefits of said school, in such manner as the Board of Trustees, with the advice and consent of the public school teachers, may determine. [As amended March 6, Stats. 1869, p. 172.]

Organization of new districts.

3358. SEC. 39. Whenever at least ten heads of families petition the County Superintendent for the organization of a new school district, or a subdivision of or change in the boundaries of an old one, that officer shall transmit the petition to the Board of County Commissioners, with the approval or disapproval of the proposition indorsed thereon. Upon receiving any such petition, the said Commissioners shall have power to establish, alter, or modify the district or districts, in accordance with the prayer of the petition; *provided, however*, that if the Superintendent disapprove, then said Commissioners shall give at least one month's notice to the district or districts affected by the change, in such manner as the Commissioners may order, and then, by vote of said Board of Commissioners, the petition may be granted; *and, provided further*, that no district shall be considered as being organized, or be entitled to any pro rata of moneys standing to the credit of the district from which it was separated, or of which it is a subdivision, until a public school has been actually commenced in such new district; *and, provided further*, that unless such new school district shall commence a school within sixty days from the action of the Board of Commissioners making such new district, such action shall become void, and no such district shall exist. [As amended March 6, Stats. 1869, p. 174.]

Property exempt from taxation and execution.

3359. SEC. 40. All lots, buildings, or other school property owned by any district, town, or city, and devoted to public school purposes, shall be and the same are hereby exempted from taxation and from sale on any execution, or other writ or order, in the nature of an execution. [As amended March 8, Stats. 1867, p. 94.]

Board of Examination.

3360. SEC. 41. The County Superintendent shall appoint two competent persons, who, with himself, shall be and constitute a Board of Examination, of which he shall be the Chairman. Said Board shall be constituted for the purpose of examining applicants and of granting certificates of qualification to teachers of public schools. They shall meet at such times and places as the interests of the public may require, and be governed by such rules and regulations as the State Board of Education may from time to time direct. They shall only grant certificates, except as hereinafter provided, to such persons as shall pass a satisfactory examination, which certificate shall remain in force, as specified in this section, unless revoked for good cause shown. Said Board of Examiners shall have power to grant certificates of the following grades: Certificates of the First Grade—For teaching unclassified grammar, and high schools, which shall be good for two years; Certificates of the Second Grade—For teaching primary schools, which shall be good for one year. Said certificates shall be issued to such persons only as have passed a satisfactory examination in the branches of study pursued in each specified grade of the public schools, and shall have given evidence of good moral character and fitness to teach; and said certificates shall be signed by a majority of the Board of Examiners. Said Board shall have power to renew the certificate of a teacher who is successfully and continually engaged in teaching in the county, without a reëxamination. It shall be the duty of said Board, upon presentation to them of any life certificate of any State, or of a California State Normal School diploma, to grant to the holder thereof a county certificate, without examination; *provided*, that such State certificate or diploma shall be presented within five years from the date of issuance. [As amended March 7, Stats. 1873, p. 156.] **Duties of.**

3361. SEC. 42. The State Board of Education shall have power, and it is hereby made their duty, to prescribe and cause to be adopted a uniform series of text books in the principal studies pursued in the public schools, to wit: Spelling, reading, grammar, arithmetic, geography, and physiology; and no school district shall be entitled to receive its pro rata of public school moneys unless such text books as prescribed by the State Board of Education shall be adopted and used in all the public schools; *provided*, that the provision of this section in regard to the use of text books shall not be enforced until the first day of September, one thousand eight hundred and sixty-five (1865). Orthography, reading, writing, arithmetic, the elements of natural philosophy, and geography, shall be taught in all the public schools; and in each school above the grade of primary, there shall also be taught English grammar, history of the United States, physiology and hygiene, and chemistry; and in such schools as the Board of Trustees may direct, algebra, geometry, drawing, natural history and philosophy, astronomy, and the elements of bookkeeping, or such of these studies as the Board of Trustees may direct; *provided*, that the text books shall not be changed oftener than once in four years. **Text books, etc.**

3362. SEC. 43. No portion of the public school funds, nor of money raised by State tax, or specially appropriated for the support of public schools, shall be devoted to any other object or purpose. [As amended March 8, Stats. 1867, p. 95.] **School Fund, how used**

3363. SEC. 44. The school moneys distributed to the various counties of this State, from the State school funds, shall not be used for any other purpose than the payment of qualified teachers under this Act, and no portion of said funds shall, either directly or indirectly, be paid for the erection of school **Same.**

houses, the use of school rooms, furniture, or any other contingent expenses of public schools.

County school tax.

3364. SEC. 45. The Board of County Commissioners of each county shall annually, at the time of levying other county taxes, levy a county school tax, not to exceed fifty cents, nor less than fifteen cents, on each one hundred dollars valuation of taxable property, which tax shall be added to the county tax, and collected in the same manner, and paid into the County Treasury as a special deposit, to be drawn in the same manner as other public school moneys; and should said County Commissioners fail or neglect to levy said tax as required, it shall be the duty of the County Auditor to add such tax as the County Superintendent of Public Schools may deem sufficient, between the limits of fifteen (15) and fifty (50) cents on each one hundred dollars valuation of taxable property in the county, to the assessment roll, to be collected as specified in this section. [As amended March 7, Stats. 1873, p. 156.]

Collector nor Treasurer to receive fees.

3365. SEC. 46. No Tax Collector or County Treasurer shall receive any fees or compensation whatever for collecting, receiving, keeping, transporting, or disbursing any school moneys (except what may be specially provided for in this Act); but the whole moneys collected as provided in section forty-five of this Act shall be paid to the County Treasurer and disbursed by him according to law. [As amended March 8, Stats. 1867, p. 95.]

How money may be used.

3366. SEC. 47. The Board of Trustees, or Board of Education, of each city, town, and district, may use the moneys from the county schools funds to purchase sites, build or rent school houses, to purchase libraries, and to pay teachers or contingent expenses, as they may deem proper.

When district not entitled to receive money.

3367. SEC. 48. No school district, except when newly organized, shall be entitled to receive any portion of the public school money, in which there shall not have been taught a public school for at least three months within the year ending the last day of August previous; and no public school shall receive any moneys, benefits, or immunities under the provisions of this Act, unless such school shall have been instructed by a teacher or teachers duly examined, approved, and employed by legal authority, as herein provided. When a new district is formed by the division of an old one, it shall be entitled to a just share of the school moneys to the credit of the old district, after the payment of all outstanding debts at the time when a school was actually commenced in such new district; and the County Superintendent shall divide and apportion such remaining moneys according to the number of census children resident in each district, for which purpose he may order a census to be taken, the expenses of which shall be met as provided in section thirty-two. [As amended March 6, Stats. 1869, p. 174.]

New district entitled to portion of money.

Sectarian books prohibited.

3368. SEC. 49. No books, tracts, or papers of a sectarian or denominational character, shall be used or introduced in any school established under the provisions of this Act; nor shall sectarian or denominational doctrines be taught therein; nor shall any school whatever receive any of the public school funds which has not been taught in accordance with the provisions of this Act.

School month, what. Compensation of teacher.

3369. SEC. 50. Except when special agreement is made, a school month shall consist of four weeks of five days each, and teachers shall be paid only for the time in which they are actually engaged in teaching; *provided*, that when an intermission of less than six days is ordered by the Trustees no deduction of salary shall be made therefor. [As amended March 7, Stats. 1873, p. 156.]

School year.

3370. SEC. 51. The public school year shall commence on the first day of September, and shall end on the last day of August.

Printing.

3371. SEC. 52. Any printing required under this Act shall be executed in the form and manner and at the prices of other State printing, and shall be paid for in like manner out of the General Fund.

Oaths.

3372. SEC. 53. The State Superintendent of Public Instruction and the County Superintendent of Public Schools are hereby authorized to administer the oath (or affirmation) to teachers, and all other oaths (or affirmations) relating to public schools.

Ad valorem tax.

3373. SEC. 54. An ad valorem tax of one half of one mill on the dollar of all taxable property in the State, is hereby levied and directed to be collected and paid in the same manner as other State taxes are required to be paid; and said tax shall be known as the State School Tax, and the Board of Commissioners of the several counties shall, annually, at the same time other State taxes are levied, add this to the other taxes provided by law to be levied and collected; and it shall be annually collected at the same time and in the same manner as other State taxes are collected, and if, from any reason whatever, in any year, said taxes are not levied as herein required by the Board of County Commissioners, the County Auditor shall enter them on the assessment roll, as required by law for other taxes. All moneys derived from the tax herein levied shall be paid into the State School Fund, and be apportioned in the same manner as other money in that Fund.

Five per cent State tax set apart.

3374. SEC. 55. There shall be set apart, semi-annually, five per cent of all moneys received as State tax, for school purposes; and such amount shall be distributed pro rata, and be paid according to the provisions of section fifteen of this Act.

Each village to constitute district.

3375. SEC. 56. Each village, town, or incorporated city of this State shall constitute but one school district, and the public schools therein shall be under the supervision and control of the Trustees thereof; *provided*, in all such villages, towns, and cities, wherein the aggregate number of registered votes thereof at the last previous general election exceeds fifteen hundred, there shall be elected five instead of only three Trustees. [As amended March 6, Stats. 1869, p. 175.]

Acts repealed.

3376. SEC. 57. An Act entitled "An Act in relation to the payment of school moneys by County Treasurers," approved February twenty-seven, eighteen hundred and seventy-one; also an Act entitled "An Act concerning teachers of common schools in this State," approved January twenty-sixth, eighteen hundred and sixty-five, together with all Acts and parts of Acts inconsistent with the provisions of this Act, are hereby repealed. [As amended March 7, Stats. 1873, p. 156.]

An Act to provide for the safe keeping of the securities of the State School Fund.

[Approved February 21, 1871, p. 66.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Treasurer to be custodian.

3377. SECTION 1. From and after the passage of this Act, the State Treasurer shall be the legal custodian of all State and National securities in which the moneys of the State (irreducible) School Fund of the State of Nevada, are or may hereafter be invested, and for their safe keeping he shall be liable on his official bond.

Securities to be passed over

3378. SEC. 2. The State Board of Education shall immediately pass over to the State Treasurer, all moneys and securities now in their custody, taking from him duplicate receipts therefor; one of which they shall file with the Controller of State, who shall thereupon charge the same to the State Treasurer.

Payment of coupons.

3379. SEC. 3. When due (after procuring the Controller's warrant for the amount thereof), the State Treasurer shall, in the presence of the State Board of Education, or a majority of the same, cut off and pay the coupon on such State securities as may be in said Fund, and place the moneys so paid in the General (distributing) School Fund of the State, and keep a correct account thereof on his books.

Quarterly notice of amount.

Investment of Fund.

3380. SEC. 4. It is hereby made the duty of the State Controller quarterly, to notify the State Board of Education of the amount of money in the State School Fund; and whenever there shall be a sum in said Fund sufficient for investment, said Board shall direct the State Treasurer to negotiate for investment of the same in United States securities, or in bonds of this State, at the lowest purchasable rates, and the Board shall then draw their order upon the State Controller in favor of the State Treasurer for the amount to be invested. Said Controller shall thereupon draw his warrant as directed, and the State Treasurer shall complete the purchase of the securities negotiated for by him in pursuance of this Act.

An Act to authorize the State Superintendent of Public Instruction to draw the percentage allowed by the United States to this State, on the sale of public lands sold in the State of Nevada.

[Approved February 10, 1869, p. 56.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Superintendent authorized to receipt for moneys due from United States.

3381. SECTION 1. The State Superintendent of Public Instruction is hereby authorized and empowered to receive and receipt for all moneys which are now or may hereafter become due to this State for percentage allowed to this State by the United States, on the sales made by the United States of public lands which are situated and sold in this State; and for the purposes aforesaid, said State Superintendent is made the agent of this State.

3382. SEC. 2. Upon receiving any money as contemplated in section one herein, the State Superintendent of Public Instruction shall, after furnishing a statement thereof to the State Controller, pay the same over to the State Treasurer, taking his receipt for the same in duplicate, one of which he shall deliver to the State Controller. All money received by virtue of this Act shall be placed in the School Fund, and used as other school funds, until required by law for purposes of internal improvement; *provided*, whenever an Act of Congress shall have been passed authorizing the diversion of such moneys from the purposes of internal improvements to common school purposes, the same shall thereafter become a part of the permanent School Fund of this State.

Money to be paid to State Treasurer and placed in School Fund.

CHAPTER CXIII.

OF COMPULSORY EDUCATION.

SECTION 3383. All children between the ages of eight and fourteen years to attend school.
3384. Board of School Trustees to furnish list; report of the Principal; Board to make demand on parents; action for penalty.
3385. Penalty for non-compliance with this Act.
3386. Board School Trustees to furnish books, etc., in certain cases.
3387. Fines, how disposed of.
3388. County Superintendents to publish this Act; notice to be posted.

An Act to compel children to attend school.

[Approved February 25, 1873, p. 89.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3383. SECTION 1. Every parent, guardian, or other person in the State of Nevada, having control and charge of a child or children between the ages of eight and fourteen years, shall be required to send such child or children to a public school for a period of at least sixteen weeks in each school year, at least eight weeks of which shall be consecutive, unless such child or children are excused from such attendance by the Board of School Trustees of the school district in which such parents or guardians reside, upon its being shown to their satisfaction that the bodily or mental condition of such child or children has

All children between the ages of eight and fourteen years to attend school.

Same. been such as to prevent his, her, or their attendance at school, or application to study, for the period required, or that such child or children are taught in a private school, or at home, in such branches as are usually taught in a primary school, or have already acquired the ordinary branches of learning taught in the public school; *provided*, in case a public school shall not be taught for the period of sixteen weeks, or any part thereof, during the year, within two miles, by the nearest traveled road, of the residence of any person within the school district, he or she shall not be liable to the provisions of this Act.

Board of School Trustees to furnish list. 3384. SEC. 2. It shall be the duty of the Board of School Trustees of each school district in this State, on or before the first Monday in September in each year, to furnish the principal of each public school taught in such district with a list of all children, resident in the school district, between the ages of eight and fourteen years; said list to be taken from the report of the School Census Marshal. Report of the Principal. At the beginning of each school month thereafter it shall be the duty of the principal of each school in such district to report to the Board of School Trustees of such district the names of all children attending school during the previous school month; when, if it shall appear, at Board to make demand on parents. the expiration of four school months, to the Board of School Trustees, that any parent, guardian, or other person having charge or control of any child or children, shall have failed to comply with the provisions of this Act, the Board shall cause demand to be made upon such parent, guardian, or other person, for the amount of the penalty hereinafter provided; when, if such parent, guardian, or other person shall neglect or refuse to pay the same within five days after the making of said demand, Action for penalty. the Board shall commence proceedings in the name of the school district for the recovery of the fine hereinafter provided, before any Justice of the Peace in the township in which said school district is located; or, if there shall be no Justice of the Peace therein, then before the nearest Justice of the Peace in the county.

Penalty for non-compliance with this Act. 3385. SEC. 3. Any parent, guardian, or other person having control or charge of any child or children, failing to comply with the provisions of this Act, shall be liable to a fine of not less than fifty dollars nor more than one hundred dollars for the first offense, nor less than one hundred dollars nor more than two hundred dollars for the second and each subsequent offense, besides the costs of collection.

Board School Trustees to furnish books, etc., in certain cases. 3386. SEC. 4. Whenever it shall appear, to the satisfaction of the Board of School Trustees of any school district in this State, that the parents, guardians, or other persons having control and charge of any child or children in attendance upon the public school of said district, in accordance with the provisions of this Act, are unable to procure suitable books, stationery, etc., for such child or children, it shall be the duty of such Board to procure, or cause to be procured, for such child or children, all necessary books, stationery, etc., the same to be paid for out of the Fund of said school district, in the same way that other claims against the school district are now allowed and paid; *provided*, that all books, stationery, etc., purchased under the provisions of this Act, shall be deemed to be the property of the school district, to be under the care and control of the School Trustees when not in actual use.

Fines, how disposed of.

3387. SEC. 5. All fines collected under the provisions of this Act shall be paid into the County Treasury on account of the State School Fund.

County Superintendents to publish this Act.

3388. SEC. 6. It shall be the duty of the County Superintendent of Public Schools in each county in this State to cause this law to be published in some newspaper in his county, if any there be, four consecutive times, annually, for a period of two years, the expense of such publication to be allowed and paid out of the General School Fund of the county. The Board of School Trustees in each school district shall cause to be posted annually, for a period of two years, in three public places in their district, notices of the requirements and penalties of this law.

Notice to be posted.

CHAPTER CXIV.

OF THE FORMATION OF CORPORATIONS.

SECTION 3389. Purposes for which corporations may be formed; proviso.
3390. Formation.
3391. Evidence of incorporation.
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3393. Board of Trustees.
3394. Corporation not dissolved by failure to elect Trustees; duty of officers when majority of Trustees fail to qualify, etc.
3395. Quorum.
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3398. Powers of Trustees; assessments; notice; sale of shares; public auction.
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3400. Pledge of stocks.
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3402. Debts not to exceed amount of stock paid in; Trustees liable for excess.
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3416. Corporations may become stockholders, etc.

ACTS LEGALIZED.

3417. Illegal acts of corporations made valid.
3418. Not to impair vested rights.

An Act to provide for the formation of corporations for certain purposes.

[Approved March 10, 1865, p. 359.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Purposes for which corporations may be formed.

3389. SECTION 1. Corporations for manufacturing, mining, milling, ditching, mechanical, chemical, building, navigation, transportation, farming, banking, hotel and inn-keeping, and ore reduction purposes, or for the purpose of engaging in any other species of trade, business, or commerce, foreign or domestic, may be formed according to the provisions of this Act, such corporations, and the members thereof, being subject to all the conditions and liabilities herein imposed, and to none others; *provided*, that nothing in this section shall be so construed as to authorize the formation of banking corporations for the purpose of issuing or circulating money or currency within this State, except the Federal currency and the notes of banks authorized under the laws of the Congress of the United States; nor shall bank notes or paper of any kind be permitted to circulate as money in this State, other than the Federal currency and the notes of banks authorized by the laws of the Congress of the United States. [As amended February 27, Stats. 1869, p. 95.] ([a])

Proviso.

(a) Sec. 1 of original Act was amended March 1, Stats. 1866, p. 165, so as to embrace corporations for banking and ore reduction purposes. The Act of 1866 was amended as above.

Formation.

3390. SEC. 2. Any three or more persons, who may desire to form a company for any one or more of the purposes specified in the preceding section, may make, sign, and acknowledge, before some person competent to take the acknowledgment of deeds, and file and have recorded in a book provided for that purpose, in the office of the Clerk of the county in which the principal place of business of the company is intended to be located, and a certified copy, under the hand of the Clerk and the seal of the Court of said county, in the office of the Secretary of State, a certificate, in which shall be stated the corporate name of the company, the object for which the same shall be formed, the amount of its capital stock, the time of its existence—not to exceed fifty years—the number of shares of which the capital stock shall consist, the number of Trustees and their names, who shall manage the concerns of the company for the first six months, and the name of the city, town, or locality, and county, in which the principal place of business of the company is to be located.

3391. SEC. 3. A copy of any certificate of incorporation, filled in pursuance of this Act, and certified by the County Clerk of the county in which it is filed, or his deputy, or by the Secretary of State, shall be received in all the Courts and places as prima facie evidence of the facts therein stated. Evidence of incorporation.

3392. SEC. 4. When the certificate shall have been filed, the persons who shall have signed and acknowledged the same, and their successors, shall be a body corporate and politic, in fact and in name, by the name stated in their certificate, and by their corporate name have succession for the period limited, and power: First—To sue and be sued in any Court having competent jurisdiction. Second—To make and use a common seal, and to alter the same at pleasure. Third—To appoint such officers, agents, and servants as the business of the corporation shall require, to define their powers, prescribe their duties, and fix their compensation. Fourth—To require of them such security as may be thought proper for the fulfillment of their duties, and to remove them at will, except that no Trustee shall be removed from office unless by a vote of a majority of the stockholders, as hereinafter provided. Fifth—To purchase, hold, sell, and convey such real and personal estate as the purposes of the corporation shall require. Sixth—To make bylaws, not inconsistent with the Constitution of this State, or Constitution of the United States. Seventh—The management of its property, the regulation of its affairs, the transfer of its stock, and for carrying on all kinds of business within the objects and purposes of the company, as expressed in its articles of incorporation. Every corporation in this State shall have the power, whenever at any assessment sale of the stock of said corporation no person will take the stock and pay the assessment thereon, to purchase such stock and hold the same for the benefit of the corporation. All purchases of its own stock by any corporation in this State which have been previously made at assessment sales whereat outside parties have failed to bid, and which purchases were for the amount of assessments due, and costs or otherwise, shall be held valid, and as vesting the legal title to the same in said corporation. The stock so purchased shall be held subject to the control of the remaining stockholders, who may make such disposition of the same as they may deem fit. Whenever any portion of the capital stock of any corporation is held by the said incorporation by purchase, a majority of the remaining shares of stock in said incorporation shall be held to be a majority of the shares of the stock in said incorporated company, for all purposes of election or voting on any question before a stockholders' meeting. Powers and privileges.

3393. SEC. 5. The corporate powers of the corporation shall be exercised by a Board of not less than three Trustees, who shall be stockholders in the company, who shall, before entering upon the duties of their office, respectively take and subscribe to an oath as prescribed by the laws of this State, Board of Trustees.

Same.

and who shall, after the expiration of the term of the Trustees first selected, be annually elected by the stockholders, at such time and place within the State, and upon such notice, and in such manner, as shall be directed by the by-laws of the company; but all elections shall be by ballot, and each stockholder either in person or by proxy, shall be entitled to as many votes as he or she may own, or represent by proxy, shares of stock, and the person or persons receiving the greatest number of votes shall be Trustee or Trustees. It shall be competent at any time for two thirds of the stockholders of any corporation organized under this Act to expel any Trustee from office, and to elect another to succeed him. In all cases where a meeting of the stockholders is called for the purpose of expelling a Trustee and electing his successor, such notice shall be given of the meeting as the by-laws of the company may require. Whenever any vacancy shall happen among the Trustees, by death, resignation, or otherwise, except by removal, and the election of his successor as herein provided, it shall be filled by appointment of the Board of Trustees.

Corporation not dissolved by failure to elect Trustees.

3394. SEC. 6. If it shall happen, at any time, that an election of Trustees shall not be had on the day designated by the by-laws of the company, the corporation shall not for that reason be dissolved, but it shall be lawful, on any other day, to hold an election for Trustees, in such manner as shall be provided for in the by-laws of the company, and all acts of the Trustees shall be valid and binding on the company until their successors shall be elected. Whenever a majority of any newly elected Board of Trustees shall fail to qualify and file in the office of the company their oath of office, within thirty days from the day of their election, it shall be the duty of any officer of the company, upon the request of owners in said company representing not less than one third of the capital stock of the corporation owned in the company, to call a meeting of the stockholders of said company, which meeting, when assembled, shall have power to elect Trustees to supply the place of those who have failed to qualify; but such Trustees may qualify and enter upon the duties of their office at any time after the said thirty days, if such meeting for a new election shall not have been called. [As amended February 24, Stats. 1866, p. 79.]

Duty of officers when majority of Trustees fail to qualify, etc.

Quorum.

3395. SEC. 7. A majority of the whole number of Trustees shall form a Board for the transaction of business, and every decision of a majority of the persons duly assembled as a Board shall be valid as a corporate Act.

First meeting.

3396. SEC. 8. The first meeting of the Trustees shall be called by a notice signed by one or more of the persons named Trustees in the certificate, setting forth the time and place of the meeting; which notice shall be either delivered personally to each Trustee, or published at least twenty days in some newspaper of the county in which is the principal place of business of the corporation, or if no newspaper be published in the county, then in some newspaper nearest thereto in the State.

Transfer of stock.

3397. SEC. 9. Whenever the capital stock of any corporation is divided into shares, and certificates thereof are issued, the stock of the company shall be deemed personal estate. Such shares may be transferred by indorsement and delivery of the certificate thereof, such indorsement being by the signature of the proprietor, or his or her attorney, or legal representative; but such transfer shall not be valid except between the parties thereto, until the same shall have been so entered upon the books of the corporation as to show the names of the parties by and to whom transferred, the number or designation of the shares, and the date of the transfer. In all cases in which shares of stock in corporations now existing, or hereafter incorporated under any law of this State, are held or owned by a married woman, such shares may be transferred by her, her agent or attorney, without the signature of her husband, in the same manner as if such married woman were a feme sole. All dividends payable upon any shares of stock of a corporation held by a married woman, may be paid to such married woman, her agent or attorney, in the same manner as if she were unmarried. And it shall not be necessary for her husband to join in receipt therefor; and any proxy or power given by a married woman, touching any share of stock of any corporation owned by her, shall be valid and be binding, without the signature of her husband, the same as if she were unmarried. Same.

3398. SEC. 10. The stockholders of any corporation formed under this Act, may, in the by-laws of the company, prescribe the times, manner, and amounts in which the payment of the sums subscribed by them respectively shall be made; but in case the same shall not be so prescribed, the Trustees shall have power to demand and call in from the stockholders the sums by them subscribed, at such times and in such manner, payments, or installments as they may deem proper. In all cases, notice of each assessment shall be given to the stockholders, personally or by publication, once a week for at least four weeks, in some newspaper published in the county in which the principal place of business of the company is located, and if none be published in such county, then in the newspaper nearest to said principal place of business in the State. If, after such notice has been given, any stockholder shall make default in the payment of the assessment upon the shares held by him, so many of such shares may be sold as will be necessary for the payment of the assessment upon all the shares held by him, her, or them. The sale of said shares shall be made as prescribed in the by-laws of the company, but shall in all cases be made at the office of the company. No sale shall be made except at public auction, to the highest bidder, after a notice of four weeks published as above directed in this section; and at such sale the person who shall pay the assessment so due, together with the expenses of advertising and sale, for the smallest number of shares, or portion of a share, as the case may be, shall be deemed the highest bidder. Powers of Trustees. Assessments. Notice. Sale of shares. Public auction.

3399. SEC. 11. Whenever any stock is held by any person as executor, administrator, guardian, or trustee, he shall represent such stock at all meetings of the company, and may vote accordingly as a stockholder. Stocks held by executors.

3400. SEC. 12. Any stockholder may pledge his stock, by a delivery of the certificates, or other evidence of his interest, but may nevertheless represent the same at all meetings, and vote as a stockholder. Pledge of stocks.

Capital stock not to be reduced, etc.

3401. SEC. 13. It shall not be lawful for the Trustees to make any dividend except from the net profits arising from the business of the corporation; nor to divide, withdraw, nor in any way pay to the stockholders, or any of them, any part of the capital stock of the company; nor to reduce the capital stock, unless in the manner prescribed in this Act; and in case of any violation of the provisions of this section, the Trustees under whose administration the same may have happened, except those who may have caused their dissent thereto to be entered at large on the minutes of the Board of Trustees at the time, or were not present when the same did happen, shall, in their individual and private capacities, be jointly and severally liable to the corporation, and the creditors thereof, to the full amount so divided, withdrawn, or reduced, or paid out; *provided*, that this section shall not be construed to prevent a division and distribution of the capital stock of the company which shall remain, after the payment of all its debts, upon the dissolution of the corporation or the expiration of its charter. [As amended March 3, Stats. 1866, p. 188.]

Proviso.

Debts not to exceed amount of stock paid in.

3402. SEC. 14. The total amount of debts of the corporation shall not at any time exceed the amount of capital stock actually paid in, and in case of an excess, the Trustees under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the Board of Trustees at the time, and except those not present when the same did happen, shall, in their individual and private capacities, be liable, jointly and severally, to the said corporation, and in event of dissolution, to any of the creditors thereof, for the full amount of such excess. (1)

Trustees liable for excess.

(1) When an association of individuals, formed to carry on a certain business, contracts debts, and afterward the association is converted into a corporation, the same individuals who formed the joint stock association becoming corporators to continue the same business, the corporation may be liable for the debts of the association.—Paxton et al. vs. The Bacon Mill and Mining Co., 2 Nev., p. 257.

But when a corporation is formed, the capital or incorporate property of which is composed partly of the property of a preexisting association and partly of property contributed by corporators who had no connection with the previous association, the corporation is not bound for the debts of the late association.—Id.

The stock of the former associates would be liable for the debts of that association. But the creditors of that association would have no claim on the corporate property, or the stock of those corporators who were not connected with the original association.—Id.

When there is an agreement between all the parties about to incorporate, that the corporation shall assume all the debts of the prior association; or when, after incorporation, the corporate body assumes all the debts of the old association, undoubtedly this would enable the creditors to maintain assumpsit against the corporation.—Id.

3403. SEC. 15. No corporation organized under this Act shall, by any implication or construction, be deemed to possess the power of issuing bills, notes, or other evidences of debt, for circulation as money. Not to issue bills, etc.

3404. SEC. 16. It shall be the duty of the Trustees of every company incorporated under this Act to keep a book, containing the names of all persons, alphabetically arranged, who are or shall become stockholders of the corporation, and showing the number of shares of stock held by them respectively, and the time when they became the owners of such shares; which book, and all other books of the company, during the usual business hours of the day, on every day except Sunday and the legal holidays, shall be open for the inspection of stockholders of the company, at the office of the principal place of business of the company; and any stockholder or creditor of the company may have the right to demand and receive from the clerk, or other officer having the charge of such, a certified copy of any entry therein, or to demand and receive from any clerk, or officer, a certified copy of any paper placed on file in the office of the company, and such book or certified copy shall be presumptive evidence of the facts therein stated, in any action or proceeding against the company, or any one or more of the stockholders. Trustees shall keep book for names of members.

3405. SEC. 17. If at any time the clerk, or other officer having charge of such book, shall make any false entry, or neglect to make any proper entry therein, or having the charge of any papers of the company, shall refuse or neglect to exhibit the same, or allow the same to be inspected, or extracts to be taken therefrom, or to give a certified copy of any entry, as provided in the preceding section, he shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the party injured a penalty of not less than one hundred dollars, nor more than one thousand dollars, and all damages resulting therefrom to be recovered in an action for debt in any Court having competent jurisdiction in the county in which the principal place of business of the corporation is located. Penalty for making false entry.

3406. SEC. 18. Any company incorporated under this Act may, by complying with the provisions herein contained, increase or diminish its capital stock to any amount which may be deemed sufficient and proper for the purposes of the corporation; but before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of debts and liabilities shall exceed the sum to which the capital is proposed to be diminished, such amount shall be satisfied and reduced so as not to exceed the diminished amount of the capital. Change in capital stock.

3407. SEC. 19. Whenever it is desired to increase or diminish the amount of capital stock, a meeting of the stockholders shall be called by a notice signed by at least a majority of the Trustees, and published at least eight weeks in some newspaper published in the county where the principal place of business of the company is located; or if no newspaper is published in the county, then in some newspaper nearest thereto How made.

in the State, which notice shall specify the object of the meeting, the time and place where it is to be held, and the amount which it is proposed to increase or diminish the capital, and a vote of two thirds of all the shares of stock shall be necessary to increase or diminish the amount of the capital stock.

Same.

3408. Sec. 20. If at a meeting so called, a sufficient number of votes have been given in favor of increasing or diminishing the amount of capital, a certificate of the proceedings, showing a compliance with these provisions, the amount of capital actually paid in, the whole amount of debts and liabilities of the company, and the amount to which the capital stock is to be increased or diminished, shall be made out, and signed and verified by the affidavit of the Chairman and Secretary of the meeting, certified to by a majority of the Trustees, and filed as required by the second section of this Act; and when so filed, the capital stock of the corporation shall be increased or diminished to the amount specified in the certificate.

Powers of Trustees after dissolution of company.

3409. Sec. 21. Upon the dissolution of any corporation formed under this Act, the Trustees at the time of the dissolution shall be Trustees of the creditors and stockholders of the corporation dissolved, and shall have power and authority to sue for and recover the debts and property of the corporation, by the name of Trustees of such corporation, collect and pay the outstanding debts, settle all its affairs, and divide among the stockholders the money and other property that shall remain after the payment of the debts and necessary expenses.

Dissolution, how effected.

3410. Sec. 22. Any corporation formed under this Act may dissolve and disincorporate itself by presenting to the District Judge of the district in which the office of the company is located a petition to that effect, accompanied by a certificate of its proper officers setting forth that at a meeting of the stockholders, called for the purpose, it was decided by a vote of a majority of the stockholders to disincorporate and dissolve the incorporation. Notice of the application shall then be given by the Clerk, which notice shall set forth the nature of the application, and shall specify the time and place at which it is to be heard, and shall be published in some newspaper of the county once a week for eight weeks, or if no newspaper is published in the county, by publication in the newspaper nearest thereto in the State. At the time or place appointed, or at any other time or place to which it may be postponed by the Judge, he shall proceed to consider the application, and if satisfied that the corporation has taken the necessary preliminary steps and obtained the necessary vote to dissolve itself, and that all claims against the corporation are discharged, he shall enter an order declaring it dissolved.

Removal of place of business.

3411. Sec. 23. Any corporation desiring at any time to remove its principal place of business into some other county in the State, shall file in the office of the County Clerk of such county a certified copy of its certificate of incorporation. If it is desired to remove its principal place of business to some other city, town, or locality within the same county, publication shall be made of such removal at least once a week for four weeks in the newspaper published nearest to the city, town, or locality from which the principal place of business of such corporation is desired to be removed. The formation or corporate acts of no corporation heretofore formed under this Act shall be rendered invalid by reason of the fact that its principal place of business may not have been designated in its certificate of incorporation; *provided*, that within six months from the passage of this Act such corporation shall cause publication to be made once a week for at least four weeks in the newspaper published nearest to the city, town, or locality where the principal place of business of such corporation has in fact been located, designating the city, town, or locality, and county where its principal place of business shall be located. On compliance with the provisions of this section, in the several cases herein mentioned, the principal place of business of any corporation shall be deemed established or removed at or to any designated city, town, or locality and county in the State. **Same.**

3412. SEC. 24. In corporations already formed, or which may hereafter be formed under this Act, where the amount of the capital stock of such corporation consists of the aggregate valuation of the whole number of feet, shares, or interest in any mining claim in this State, for the working and development of which such corporation shall be, or has been, formed, no actual subscription to the capital stock of such corporation shall be necessary; but each owner in said mining claim shall be deemed to have subscribed such an amount to the capital stock of such corporation as under the by-laws will represent the value of so much of his or her interest in said mining claim, the legal title to which he or she may, by deed, deed of trust, or other instrument, vest, or have vested in such corporation, for mining purposes; such subscription to be deemed to have been made on the execution and delivery to such corporation of such deed, deed of trust, or other instrument; nor shall the validity of any assessment levied, or which may hereafter be levied by the Board of Trustees of such corporation, be affected by reason of the fact that the full amount of the capital stock of such corporation, as mentioned in its certificate of incorporation, shall not have been subscribed as provided in this section; *provided*, that the greater portion of said amount of capital stock shall have been subscribed; *and, provided further*, that this section shall not be so construed as to prohibit the stockholders of any corporation formed, or which may be formed for mining purposes, as provided in this section, from regulating the mode of making subscription to its capital stock and calling in the same by by-laws or expressed contract. (1) **Capital stock.**

Certain incorporations may move their place of business to Esmeralda County. Stats. 1865, p. 186.

(1) When a corporation has issued stock to the full number of shares which, by its charter or Act of incorporation it is authorized to issue, no Court can rightfully direct the issuance of other shares of stock unless some of the shares issued were void.—Smith v. North American Co., 1 Nev., p. 423.

Where all the owners in a mining company transfer their entire interest to Trustees to hold the mining ground in trust for the corporation, and to issue stock to the amount of a certain number of shares in lieu of the ground conveyed to them, and said Trustees do issue the full number of shares of stock which they are authorized to issue, none of the stock issued is void, although one stockholder may receive more and another less than his just share. The mistake may be corrected by a Court of equity by a proper decree, but not so as to make stock void in the hands of an innocent purchaser, nor by ordering the issuance of more stock than the company, by its organization, is entitled to issue.—Id.

When one deeds all his interest, say one hundred and thirty-seven and one half feet, in a mining company to Trustees, to form a corporation, in trust that he is to receive shares in the corporation in lieu of the feet, and afterward conveys the same feet, with covenants of warrantee, to another party, the last grantee takes an equity and is entitled to the shares to be issued in lieu of these feet.—O'Meara v. The North American M. Co., 2 Nev., p. 113.

When Trustees of a mining company issue stock to the party equitably entitled, the Court will not compel them to issue to another, especially when that other can only show his claim by establishing his own fraud.—Id.

To be governed by district mining laws.

Proviso.

3413. SEC. 25. All corporations already formed, or which may hereafter be formed under this Act for mining purposes, shall be governed by the mining laws of the district where the mine is located; *provided*, that the amount of money so expended in incorporating said company, and the procuring of the necessary books for said corporation, shall be deemed in law as so much money expended in working said claim.

Trustees to convey property in dissolution of corporation.

3414. SEC. 26. When any mining incorporation, holding or working any mine or mines in this State, shall disincorporate under the provisions of this Act, the Board of Trustees of said corporation shall convey by deed to the stockholders of said company, all mines and other property of said corporation, in proportion to the amount of stock each stockholder shall hold in the mine or mines, and other property owned by said corporation, which deed shall be recorded in the office of the County Recorder of the county in which the mine is located.

Acts repealed.

3415. SEC. 27. An Act entitled "An Act to provide for the formation of corporations for certain purposes," approved December twentieth, one thousand eight hundred and sixty-two; also, an Act amendatory of and supplementary to an Act entitled "An Act to provide for the formation of corporations for certain purposes," approved December twentieth, one thousand eight hundred and sixty-two, approved February nineteenth, one thousand eight hundred and sixty-four, are hereby repealed.

Corporations may become stockholders, etc.

3416. SEC. 28. Corporations formed under the provisions of this Act for mining, milling, or ore reduction purposes, may subscribe to and become stockholders in any corporation, company, or association now formed, or which may hereafter be formed, for the purpose of constructing any tunnel, shaft, or other work, which may be calculated to aid or facilitate the exploration, development, or working of any mine or mining ground in this State; and any corporation so becoming a stockholder therein shall, in proportion to its interest, be subject to all the liabilities, and entitled to all the rights and privileges of an individual stockholder. [Act of February 1, Stats. 1867, p. 44.]

An Act concerning corporations.

[Approved March 11, 1865, p. 388.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3417. SECTION 1. All associations or companies heretofore organized, and acting in the form and manner of corporations, and that have filed certificates for the purpose of being incorporated, in the office of the County Clerk, in which the principal place of business of the company is intended to be located, and a certified copy of the same in the office of the Secretary of State, but whose certificates are in some manner defective, or have been improperly acknowledged, or have been acknowledged before a person not authorized by law to take such acknowledgments; or where a conveyance has been made to the persons named in the certificate of incorporation as Trustees, prior to the filing of the certificate of incorporation as above stated, are hereby declared to be, and to have been, a corporation from the date of filing of such certificates, in the same manner, and with like effect and intent as if such certificates were without fault, and properly acknowledged before an officer having authority to take such acknowledgments; and such conveyances or deeds shall be held and construed to convey to the corporations, respectively, the title and estate mentioned therein, for the uses and purposes in such conveyances or deeds as expressed therein. **Illegal acts of corporations made valid.**

3418. SEC. 2. Nothing herein contained shall be held or construed so as to impair any rights which have heretofore been acquired by or vested in any person or persons whatsoever. **Not to impair vested rights.**

CHAPTER CXV.

OF EXTENDING THE PROVISIONS OF THE GENERAL INCORPORATION ACT TO CORPORATIONS CREATED PRIOR TO ITS PASSAGE; CONFIRMATION OF PROCEEDINGS FOR DISINCORPORATING AND IN INCREASING CAPITAL STOCK; AND PURCHASE OF MINING PROPERTY.

SECTION 3419. Preamble; Act to apply to corporations formed prior to its passage.
3420. Orders, decrees, etc., made prior to March tenth, eighteen hundred and sixty-five, ratified.

CORPORATIONS MAY PURCHASE AND HOLD MINING PROPERTY.

3421. Power to purchase and hold mining property.
3422. How exercised.

An Act to extend the provisions of an Act entitled "An Act to provide for the formation of corporations for certain purposes," approved March tenth, eighteen hundred and sixty-five, to corporations created prior to that time; and to confirm proceedings taken for the purpose of disincorporating corporations; and for the purpose of increasng the capital stock of corporations.

[Approved January 16, 1866, p. 46.]

Preamble.

WHEREAS, It is doubtful whether certain sections of the Act referred to above, apply to corporations created and formed prior to the passage of said Act; therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Act to apply to corporations formed prior to its passage.

3419. SECTION 1. The Act entitled "An Act to provide for the formation of corporations for certain purposes," approved March tenth, eighteen hundred and sixty-five, and each section and provision thereof, shall apply to all corporations created or formed, or doing business in this State, or the late Territory of Nevada, prior to the passage of said Act, and shall constitute the rule for the government and management of the affairs and business of such corporations.

Orders, decrees, etc., made prior to March 10, 1865, ratified.

3420. SEC. 2. All orders or decrees made by any Court or Judge in this State, since March the tenth, one thousand eight hundred and sixty-five, disincorporating or dissolving any corporation created or formed, or doing business in this State, or the late Territory of Nevada, prior to said date, and all certificates of the proceedings of stockholders' meetings of such corporations, held for the purpose of increasing or diminishing the amount of the capital stock of the same, are hereby ratified, confirmed, and made valid; and all orders made as aforesaid, and all proceedings had and taken in pursuance to and by virtue thereof, are hereby ratified and made valid; and all the certificates aforesaid, having for their object the increase or diminution of the capital stock of such corporations, and filed as provided in section two of said Act of March tenth, are made valid, and from the time of the filing thereof, the capital stock of the corporation named in any such certificate, shall be deemed increased or diminished as therein provided; and all proceedings subsequently had and done under, in pursuance to, and having reference to said certificate, and the laws applying thereto, shall be valid and effectual for all purposes. **Same.**

An Act concerning the powers of corporations.

[Approved March 3, 1866, p. 204.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3421. SECTION 1. All corporations for the purpose of mining, formed, or which may be hereafter formed, under the laws of the State of Nevada, or which were formed under the laws of the Territory of Nevada, shall have power to purchase and hold such mining property as they may deem meet. **Power to purchase and hold mining property.**

3422. SEC. 2. The power to make such purchases by any corporation shall be exercised only by a majority, in interest, of all the stockholders in any such corporation, or by such person or persons as may, by such majority, be duly appointed to act in their stead. **How exercised.**

CHAPTER CXVI.

OF THE PROOF OF THE EXISTENCE AND CORPORATE NAME OF FOREIGN CORPORATIONS.

SECTION 3423. Foreign corporations required to file copy of certificate.
3424. Carrying on business without filing deemed misdemeanor; penalty.

An Act to require foreign corporations to furnish evidence of their incorporation, and corporate name.

[Approved March 3, 1869, p. 115.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Foreign corporations required to file copy of certificate.

3423. SECTION 1. Every incorporated company or association created and existing under the laws of any other State, or of any foreign Government, shall file in the office of the County Recorder of each county of this State wherein such corporation is engaged in carrying on business of any character, a properly authenticated copy of their certificate of incorporation, or of the Act or law by which such corporation was created, with a proper certificate of the officers of the corporations as to the genuineness of the same, and to each of such certificates shall be appended a duly certified list of the officers of such corporation.

Carrying on business without filing deemed misdemeanor.

Penalty.

3424. SEC. 2. Any person or persons who shall act as the managing agent or Superintendent of any such corporation in conducting or carrying on any business of such corporation, in any of the counties of this State, without any such certificate having been filed as required, as provided in section one herein, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not exceeding five hundred dollars, to which may be added imprisonment not exceeding six months.

CHAPTER CXVII.

OF THE INCORPORATION OF RAILROAD COMPANIES AND THE MANAGEMENT OF THE AFFAIRS THEREOF.

SECTION 3425. Formation of corporations; conditions.
3426. What articles shall set forth; what articles may be signed by proxy; affidavit of amount of stock; division of capital stock of corporations heretofore formed.
3427. To file articles in office of Secretary of State; powers and rights of corporations; certified copies to be evidence.
3428. Duty of Directors; election of officers; books of subscription.
3429. Meetings of stockholders; election of Directors; qualifications of; term of office.
3430. Called meetings of stockholders; when and how stock may be reduced; proviso.
3431. Legislature may change fare and freight.
3432. Removal of officers.

SECTION 3433. Delay of election of Directors; Vice President; compensation; vacancies.
3434. Powers of Directors; proviso.
3435. Record of corporation debts; duties of Secretary.
3436. Record of proceedings; to read record prior to adjourning; further duties of Secretary.
3437. Personal estate of stockholders.
3438. Payment of subscription; notice; form of notice; sale of shares.
3439. Certificates of stock.
3440. May borrow money; Sinking Fund.
3441. Capital stock paid in; certificates of.
3442. Powers and rights of company.
3443. May change line of road.
3444. Crossing railroads or highways; may take and use lands, etc.
3445. Right of way granted; width of right of way; depots, etc.; provisos; conveyance of lands, etc., by cities.
3446. Cities may make grants; proviso.
3447. Surveys; general rights and powers.
3448. Guardians, etc., may convey real estate to company.
3449. Special proceedings to acquire real estate.
3450. Rights of defendants.
3451. Hearing of petition.
3452. To notify owners; publication of notice.
3453. Defendants may appear; to appoint Commissioners; vacancy.
3454. Meeting of Commissioners.
3455. Compensation; to file report; adverse claims.
3456. New trial.
3457. Confirmation of reports.
3458. Record of reports; costs.
3459. Defective title.
3460. Passage of.
3461. Payment of tender.
3462. Court to order payment.
3463. Definition of "person."
3464. Duties of Clerk.
3465. Companies may consolidate; publication of notice; copy to be filed; to pay damages; not liable in certain cases; company may recover damages.
3466. Regulations of trains; penalty.
3467. Checks.
3468. Map and profile to be filed.
3469. Annual report to be verified; form of report.
3470. Duties of company.
3471. Company to pay damages.
3472. Arrangement of trains; misdemeanor.
3473. When liable.
3474. Conductor may eject passengers.
3475. Officers to wear badge.
3476. Rate to charge; proviso.
3477. Penalty for intoxication.

SECTION 3478. Injuries to works of company; penalty.
3479. Percentage to be charged.
3480. False notice or report.
3481. Payment of dividends when insolvent; acceptance to be filed in office of Secretary of State.
3482. Kind of rail to be used in construction; proviso.
3483. Acts repealed.
3484. Street railroads.

An Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto.

[Approved March 22, 1865, p. 427.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Formation of corporations.

3425. SECTION 1. Any number of persons, not less than ten, either in this State or the United States, being subscribers to the stock of any contemplated railroad, may be formed into a corporation for the purpose of constructing, owning, and maintaining such railroad, by complying with the following requirements: Whenever stock to the amount of at least one thousand dollars for each and every mile of the proposed railroad shall have been so subscribed, and ten per cent in cash of the amount so required to be subscribed, shall be actually, and in good faith, paid to a Treasurer, to be named and appointed by said subscribers from among their number, then the said subscribers, either in person or by written proxy, after having received at least five days notice from said Treasurer of a meeting of said subscribers for that purpose, may adopt articles of association, and may elect from among the subscribers to said articles, not less than five nor more than thirteen Directors.

Conditions.

What articles shall set forth.

3426. SEC. 2. The said articles of association shall set forth the name of the incorporation, the number of years the same is to continue in existence, which shall not exceed fifty years, the amount of the capital stock of the company, which shall be divided into shares of not exceeding one hundred dollars each, and not less than ten dollars each, as may be fixed in the articles of association, and which shall be the actual contemplated cost of constructing the road, together with the cost of the right of way, motive power, and every other appurtenance and thing, for the completion and running of said road, as nearly as can be estimated by competent engineers; the names and number of the Directors to manage the affairs of the company, who shall hold their offices until others are elected, as shall be provided by the by-laws of the company; the place from, and to which, the proposed road is to be constructed, and the counties into and through which it is intended to pass, and its length, as near as may be; each subscriber to such articles of association shall personally subscribe thereto his name, place of residence, and the number of shares of stock taken by him in such company; *provided*, that in case a person desirous of becoming a subscriber, but compelled to be absent from the State at the time of subscribing to such articles of association, he having

What articles may be signed by proxy.

Affidavit of amount of stock.

duly paid the ten per cent required by law upon his subscription, may sign the same by written proxy, or power of attorney, to that effect; and there shall be indorsed or attached to said articles so subscribed, an affidavit made by three Directors therein named, setting forth in substance, that said amount of stock has been subscribed, and that ten per cent in cash thereon has actually and in good faith been paid in as aforesaid, and that the subscribers to said articles are all known by one or the other of the said three Directors to be subscribers thereto, and to be the persons so represented. Any corporation heretofore formed under the Act of which this is amendatory, desiring to divide the capital stock of the company into shares of a less denomination than one hundred dollars, according to the provisions of this section, may do so by a majority vote of the Directors of the company, at any regular or called meeting of the Board, and may issue the stock of such company in accordance therewith, after having filed in the office of the Secretary of State a certificate setting forth the amount or denomination in which they propose to divide such shares, verified by the affidavit of three of such Directors. In case the shares of stock of such corporation shall have already been issued, or any portion thereof, of the denomination of one hundred dollars, the holders of the same may at their option surrender their certificates of stock, and receive in lieu thereof the equivalent of the same in certificates of shares of the smaller denominations, so fixed and established by the Board of Directors. [As amended February 9, Stats. 1871, p. 52.]

Division of capital stock of corporations heretofore formed.

To file articles in office of Secretary of State.

3427. SEC. 3. Articles of association formed in pursuance of the provisions of the foregoing section shall be filed in the office of the Secretary of State, and thereupon the persons who have, or may, subscribed the same, and all persons who may, from time to time, become stockholders in such company, shall be a body politic and corporate, by the name stated in such articles of association, and shall be capable in law to make all contracts, acquire real and personal property, purchase, hold, convey, any and all real and personal property whatever, necessary for the construction, completion, and maintenance of such railroad, and for the erection of all necessary buildings and yards, or places and appurtenances, for the use of the same, and be capable of suing and being sued, and have a common or corporate seal, and make and alter the same at pleasure, and generally to possess all the powers and privileges, for the purpose of carrying on the business of the corporation, that private individuals and natural persons now enjoy. A copy of any articles of association, filed in pursuance of this Act, and certified to be a copy by the Secretary of State, or his deputy, shall, in all Courts and places, be presumptive evidence of the incorporation of such company, and of the facts stated therein; and such a copy, so certified, shall be kept in the office of the Secretary of the corporation, subject to examination, during office hours, by any person.

Powers and rights of corporations.

Certified copies to be evidence.

Duty of Directors.

3428. SEC. 4. The Directors named in the articles of association shall meet and organize as a Board immediately after their election, or within five days after, having received notice of such election given by the Treasurer, named and

Election of officers.

designated in the first section of this Act; and at the first meeting of the Board, after each annual election of Directors, they shall elect from among their number a President and a Treasurer; they shall also elect a Secretary; who, and their successors in office, shall be officers of the company, and shall hold their respective offices until their successors have been duly elected and qualified. The Secretary and the Treasurer, before they enter upon the discharge of their duties, shall each give a bond, with sufficient surety, for the faithful performance of their respective duties, to be approved by the Board of Directors. The temporary Treasurer, required by the first section of this Act, shall pay over all moneys received by him as such Treasurer to the Treasurer elected by the Board of Directors, and every succeeding Board, when deemed necessary, shall open books of subscription to the capital stock of the company, at such times, and in such places, upon such terms, and authorize such persons to receive and superintend the taking of such subscriptions, as they may direct, due notice of which shall be given; but no subscription of stock, except the original subscription, shall be binding on the company, or parties so subscribing, until the same shall have been accepted and approved by a resolution of the Board. In case a greater amount of acceptable stock shall be subscribed than the whole capital required by such company, the Board of Directors shall distribute such capital stock so subscribed as equally as possible among the subscribers; but no share thereof shall be divided in making such distribution, nor shall a greater number of shares be allotted to any one subscriber than by him subscribed for.

Books of subscription.

Meetings of stockholders.

3429. SEC. 5. There shall be, after the first election of Directors, as prescribed by the first section of this Act, annual meetings of the stockholders held in one of the counties in which or through which such road is proposed to be or may be constructed, for the election of Directors, to serve for the ensuing year, notice of which, appointing a time and place, shall be given for the first annual election and every subsequent election thereafter, as prescribed by the by-laws of the company, or by a resolution of the Board of Directors, which notice shall be published not less than twenty days previous thereto in a newspaper published in each county through or into which such road shall pass or be intended to run (if there be stockholders residing therein), in which a newspaper shall be published; and if no newspaper is published therein, then by six written or printed notices put up in the most public places in said county. Directors shall be elected from time to time, as a majority of the whole stock shall determine, or as the by-laws shall designate, as may be determined in the formation of articles of association, in pursuance of the provisions of the first and second sections of this Act; shall be chosen at such meetings of stockholders by ballot and by a majority of the votes of the stockholders being present in person or by written proxy; and every such stockholder being so present, either in person or by proxy, at any election for Directors, shall be entitled to give one vote for every share of stock which he may have owned for ten days next preceding such election; but no stockholder shall vote at

Election of Directors.

Qualifications of. **Term of office.**

any such election upon any stock, except such as he shall have owned for ten days. No person shall be a Director unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to vote for Directors at the election at which he may be chosen. The Directors shall hold their office for one year, and until others are elected in their places. At least a majority of the Directors shall, at the time of their election, be residents of this State.

Called meetings of stockholders. **When and how stock may be reduced.** **Proviso.**

3430. SEC. 6. Meetings of the stockholders may be called at any time during the interval between the annual meetings by the Directors, or by any number of stockholders owning not less than one fourth of the stock, by giving fifteen days public notice of the time and place of the meetings, in the manner provided in the next preceding section, for the annual meetings; and when any such meeting is called by the stockholders, the particular object of such meeting shall be stated in such notice, and no other business shall be transacted at such meeting when so called by the stockholders as aforesaid, except such as shall be so stated in such notice; and if, at any such meeting thus called, a majority in value of the stockholders are not represented in person or by written proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if, within said three days, stockholders having at least a majority in interest of the stock do not attend and participate in such meeting, then the meeting shall be dissolved. In case the capital stock shall be ascertained to be greater or less than is necessary for completing, operating, and maintaining the road, then the capital stock may be reduced or increased by a vote of the holders of the majority of the capital stock to the amount thus required; or the holders of a majority of the capital stock may, by a vote at any annual or called meeting of the stockholders provided for the return to or distribution among the stockholders, in such manner and according to such plan as they may direct, of any surplus capital or funds that may accrue to the corporation by payments on subscriptions to the capital stock, grants, donations, or otherwise, over and above the amount necessary to construct, complete, maintain, and equip the road; *provided*, that no such division or distribution shall be made until the road shall be built and equipped between the extreme points named in the articles of association.

Legislature may change fare and freight.

3431. SEC. 3. The Legislature shall from time to time, when it may deem proper, change the rates of fare and freight of all narrow gauge railroads constructed under the provisions of this Act. [Amendment of February 9, Stats. 1871, p. 52.]

Removal of officers.

3432. SEC. 7. At all general meetings of the stockholders, two thirds in value of the stockholders of the company being present in person or by proxy, may remove any President or any Director of such company, and elect others in their stead; *provided*, notice of such intended removal shall have been given as required in the last two preceding sections.

3433. SEC. 8. In case it shall happen at any time that any election of Directors shall not be made on the day designated

Delay of election of Directors.
Vice President.
Compensation.
Vacancies.

by the by-laws of the company when it ought to have been made, the company, for that reason, shall not be dissolved, if within ninety days thereafter they shall hold an election for Directors in such manner as shall be provided by the by-laws of the company. There shall also be a Vice President of the company, should the Directors deem it necessary, to be chosen from the Board, and also, such subordinate officers as the company, by its by-laws, may designate, who need not, necessarily, be stockholders. The said officers shall be chosen at such times and for such terms, and the Directors may fix the compensation of each, and they shall give such security for the faithful performance of the duties of their respective offices as the Directors shall require, or as may be established by the by-laws of the company; and any such officer may be removed from office by the Board of Directors, and the vacancy filled by said Board for the remainder of the term of office; and the Directors of such company shall also have power to fill all vacancies in their own body, and of all officers of the company, occasioned by death, resignation, or any other cause whatever.

Powers of Directors.
Proviso.

3434. SEC. 9. The Directors of any railroad company heretofore incorporated, or which may be incorporated hereafter, from and after its incorporation or organization, in pursuance of the provisions of this Act, or of any law now in force in this State, shall, for and on behalf of such company, manage the affairs thereof, make and execute contracts, of whatever nature or kind, fully and completely to carry out the objects and purposes of such corporation, in such way and manner as they may think proper, and exercise generally the corporate powers of such company; and such Directors shall also have full power to make such by-laws as they may think proper, and alter the same from time to time, for the transfer of the stock, and the management of the property and business of the company, of every description whatsoever, within the objects and purposes of such company, and for prescribing the duties of officers, artificers and employés of said company, and for the appointment of all officers, and all else that by them may be deemed needful and proper, within the scope and power of said company; *provided*, that such by-laws shall not be inconsistent or in conflict with the laws of this State, or with the articles of association; *provided*, that such by-laws shall be approved by a majority of the stockholders, and shall not be inconsistent or in conflict with the laws of this State, or with the articles of association.

Record of corporation debts.
Duties of Secretary.

3435. SEC. 10. The Directors shall also cause to be kept a book, to be called "Record of Corporation Debts," in which the Secretary shall record all written contracts of the Directors, and a succinct statement of the debts of the company, the amount thereof, and with whom made, which book shall at all times be open to the inspection of any stockholder or party in interest. When any contract or debt shall be paid or discharged, the Secretary shall make a memorandum thereof, in the margin, or in some convenient place in the record, where the same is recorded. No contract shall be binding upon the company unless made in writing.

3436. SEC. 11. The Secretary of the corporation, who may be elected by the Directors named in the articles of association, Record of proceedings.

To read record prior to adjourning.

Further duties of Secretary.

and every succeeding Secretary elected during the continuance of said corporation, shall keep, in a book provided for that purpose, a correct record of the proceedings at each meeting of the company, as well as the Board of Directors; such record showing the name of each Director present at the opening of each meeting of the Board, and at what stage of the proceedings any Director, previously absent, may appear, and also at what stage of the proceedings any Director may obtain leave of absence. The records shall also show the name of each Director voting against any proposition, whenever any Director may require the same to be placed upon the record. Prior to the adjournment of each meeting of the company, or of the Board of Directors, the record of the proceedings of such meeting shall be read and approved; and he shall also keep such other books as may be deemed necessary, or prescribed by the Directors, in which all the business transactions of the company shall be plainly and accurately kept; he shall keep a book, to be labeled "Book of Stockholders," which shall contain the names of all persons, alphabetically arranged, who are, or shall have been, stockholders of said company, and showing their places of residence, if known, the number of shares of stock held by them respectively, the time when they respectively became the owners of such shares, the amount of cash actually paid to the company by them respectively for their stock, as also the time when they may have ceased to be stockholders; which book, during the office hours of said Secretary, shall be open for the inspection of stockholders and creditors of the company and their personal representatives, at the office of said Secretary. There shall also be kept by the Secretary a transfer book, in which all transfers of stock shall be duly entered, and no transfer of stock of such company shall be valid for any purpose whatever, except as between the parties thereto, until it shall have been entered therein by an entry showing to and by whom transferred, the numbers and designation of the shares, and the date of, and duly attested by said Secretary, and said book shall be presumptive evidence of the facts therein stated.

Personal estate of stockholders.

3437. SEC. 12. The stock of such company shall be deemed personal estate, and shall be transferable in the manner provided by the preceding section, and upon the book of the company, upon proper assignment and delivery to the assignee of the certificate of stock; but no share shall be transferable until all previous calls or installments thereon shall have been fully paid in. [As amended February 27, Stats. 1869, p. 89.]

Payment of subscription.

Notice.

3438. SEC. 13. It shall be lawful for the Directors of such company to call in and demand from the stockholders the sums by them subscribed, in equal installments of not more than ten per cent per month, unless otherwise stipulated in the articles of subscription, at such times as they deem proper. Notice of each assessment shall be given to the stockholders personally, or shall be published once a week for at least four weeks, in a newspaper published at the place designated as the principal place of business of the corporation, or if none is published there, in some newspaper nearest such place, which notice shall be substantially in the following form: "Notice is hereby given, that an assessment of —— dollars per share on the stock

Form of notice. of —— company, is due and payable at the office of the company in —— (and at such other places as the Directors may designate, naming them), within thirty days from date. All shareholders are requested to make payment on or before that time, or such assessment will be promptly collected by law. ——, Secretary." If after such notice shall have been given, any stockholder shall make default in the payment of the assessment upon the shares held by him, the same or so many of such shares may be sold as will be necessary for the payment of the assessment on all the shares held by him. The sale of said shares shall be made as prescribed in the by-laws of the company; *provided*, that no sale shall be made except at public auction, to the highest bidder; and at such sale the person who will agree to pay the assessment so due, together with the expenses of advertisement and the other expenses of sale, for the smallest number of shares or parts of shares, shall be deemed to be the highest bidder. All stockholders shall be liable to such sale for installments due or required to be paid by such Directors as prescribed by this Act.

Sale of shares.

Certificates of stock. 3439. SEC. 14. Certificates of stock shall be issued, signed by the President and Secretary, in such manner as may be prescribed by the by-laws of the company. [As amended February 27, Stats. 1869, p. 89.]

May borrow money. 3440. SEC. 15. Such companies shall have power to borrow from time to time on the credit of the corporation, and under such restrictions as two thirds in interest of the stockholders may impose, such sum or sums of money not exceeding in all the amount of its capital stock, as may be necessary for the construction and equipment of their road, at a rate of interest not to exceed fifteen per centum per annum, and to execute bonds or promissory notes therefor, in sums not less than one thousand dollars in any one note or bond, and to secure said notes or bonds, may mortgage their corporated property and franchise, and pledge the income of the company; and the Directors of such company shall also provide, in such manner as to them may seem best, a Sinking Fund, to be especially applied to the redemption of such bonds on or before their maturity, and may also confer on any holder of any bond so issued for money borrowed, or in payment of any debt, or contract, for the construction or equipment of such road as aforesaid, the right to convert the principal due or owing thereon into stock of such company, at any time within six years from the date of such bond, under such regulations as the company may adopt. [As amended February 27, Stats. 1869, p. 89.]

Sinking Fund.

Capital stock paid in. 3441. SEC. 16. The President and Secretary and a majority of the Directors, within thirty days after the payment of the last installment of the capital stock so fixed and limited by the company, shall make a certificate, stating the amount of capital so fixed and paid in, which certificate shall be signed by the President and Secretary and a majority of the Directors, and they shall, within the said thirty days, file the same in the office of the Secretary of State.

Certificates of.

3442. SEC. 17. Every railroad corporation shall have power:

First—To cause such examination and surveys for the proposed railroad to be made as may be necessary to the selection of the most advantageous route for the railroad, and for such purposes, by their officers, agents, and employés, to enter upon the lands or waters of any persons, but subject to responsibility for all damages which they shall do thereto.

Powers and rights of company.

Second—To receive, hold, take, and convey, by deed or otherwise, the same as a natural person might or could do, such voluntary grants and donations of real estate, and other property of every description, as shall be made to it to aid and encourage the construction, maintenance, and accommodation of such railroad.

Third—To purchase, and by voluntary grants and donations receive and take, and by its officers, engineers, surveyors, and agents, enter upon and take possession of, and hold and use, in any manner they may deem proper, all such lands and real estate, and other property, as the Directors may deem necessary and proper for the construction and maintenance of such railroad, and for the stations, depots, and other accommodations and purposes, deemed necessary to accomplish the objects for which the corporation is created.

Fourth—To lay out its road or roads, not exceeding ten rods wide, and to construct and maintain the same, with a single or double track, with such appendages as may be deemed necessary for the convenient use of the same, and for the purposes of making embankments, excavations, ditches, drains, culverts, or otherwise, and procuring timber, stone, and gravel, or other materials, may take as much more land, whenever they may think proper, as may be necessary for the purposes aforesaid, in the manner hereinafter provided, for the proper construction and security of the road.

Fifth—To construct their road across, along, or upon any stream of water, watercourse, roadstead, bay, navigable stream, street, avenue, or highway, or across any railway, canal, ditch, or flume, which the route of its road shall intersect, cross, or run along, in such manner as to afford security for life and property; but the corporation shall restore the stream or watercourse, road, street, avenue, highway, railroad, canal, ditch, or flume thus intersected, to its former state, as near as may be, or in a sufficient manner not to have unnecessarily impaired its usefulness or injured its franchises.

Sixth—To cross, intersect, join, and unite its railroad with any other railroad, either before or after constructed, at any point upon its route, and upon the grounds of such other railroad company, with the necessary turnouts, sidings, and switches, and other conveniences, in furtherance of the objects of its connections; and every company whose railroad is, or shall be hereafter, intersected by any new railroad in forming such intersections and connection, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points or the manner of such crossings, intersections, and connections, the same shall be ascertained and determined by Commissioners, to be appointed as is provided hereinafter in respect to the taking of lands, but this section is not to affect the rights and franchises heretofore granted.

Same.

Seventh—To purchase lands, timber, stone, gravel, or other materials, to be used in the construction and maintenance of its road, or take them in the manner provided by this Act; may change the line of its road, in whole or in part, whenever a majority of the Directors shall determine, as is provided hereinafter; but no such change shall vary the general route of such road, as contemplated in the articles of association of such company.

Eighth—To receive by purchase, donation, or otherwise, any lands, or other property, of any description, and to hold and convey the same in any manner the Directors may think proper, the same as natural persons might or could do, that may be necessary for the construction and maintenance of its road, or for the erection of depots, turnouts, workshops, warehouses, or for any other purposes necessary for the conveniences of such companies, in order to transact the business usual for such railroad companies.

Ninth—To take, transport, carry, and convey persons and property on their railroad, by the force and power of steam, of animals, or any mechanical power, or by any combinations of them, and receive tolls or compensation therefor.

Tenth—To erect and maintain all necessary and convenient buildings, stations, depots, and fixtures, and machinery for the accommodation and use of their passengers, freight, and business, and to obtain and hold the lands and other property necessary therefor.

Eleventh—To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor, within the limits prescribed by law.

Twelfth—To regulate the force and speed of their locomotives, cars, trains, or other machinery used and employed on their road, and to establish, execute, and enforce all needful and proper rules and regulations, fully and completely for the management of its business transactions usual and proper for railroad companies.

May change line of road.

3443. SEC. 18. If at any time after the location of the line of such railroad, in whole or in part, and the filing of the map thereof, as provided by this Act, it shall appear to the Directors of such company that the same may be improved, such Directors may, from time to time, alter or change the line in any manner they may think proper, and cause a new map to be filed in the office where the map showing the first location is filed, and may thereupon take possession of the land embraced in such new location, that may be required for the construction and maintenance of such road on such new line, either by agreement with the owner or owners of such lands, or by such proceedings as are authorized under the provisions of this Act, and use and enjoy the same in place of the line for which the new is substituted; but nothing in this Act shall be so construed as to confer any powers on such companies to so change their road as to avoid any point named in their articles of association, except as provided in section seventeen, subdivision seven, of this Act.

Crossing railroads or highways.

3444. SEC. 19. Whenever the track of such railroad shall cross a railroad or highway, such railroad or highway may be carried under, over, or on a level with the track, as may be most expedient, and in cases where an embankment or cutting shall make a change in the line of such railroad or highway desirable, with a view to a more easy ascent or descent, the said company may take such additional lands and materials, if needed for the construction of such road or highway, on such new line, as may be deemed requisite by said Directors; unless the lands and materials so taken shall be purchased, or voluntarily given for the purpose aforesaid, compensation therefor shall be ascertained in the manner in this Act provided, as nearly as may be, and duly made by such corporation to the owners and persons interested in such lands; and the same, when so taken and compensation made, to become part of such intersecting road or highway, in such manner and by such terms as the adjacent parts of such highways may be held for highway purposes.

May take and use lands, etc.

3445. SEC. 20. The right of way is hereby given and granted to all railroad companies that are now organized, or may be organized under the provisions of this Act, to locate, construct, and maintain their roads, or any part or parcel thereof, over and through any of the swamp or overflowed lands belonging to this State, or any other public lands which are now or may be the property of this State, at the time of constructing said railroad; and the said railroad companies are hereby authorized to survey and mark through the said lands of the State, to be held by them for the track of their respective railroads, one hundred feet in width for the whole length the said roads may be located over the lands of the State; and in cases where deep excavations, or heavy embankments, or other cuttings or structures whatever, or ditches, drains, canals, culverts, or other structures to protect the road bed, and to facilitate the use and enjoyment of the same, is or may be required for the grade or other uses of said roads, then at such places a greater width may be taken by such company, and which is hereby given, not exceeding two hundred feet wide; and the right is hereby further given and granted to said companies, to locate, occupy, and hold all necessary sites and grounds for watering places, depots, or other buildings, for the convenient use of the same, along the line of said road or roads, so far as the places convenient for the same may fall upon the lands belonging to the State, except within the limits of any incorporated city or town, or within three miles where the same shall be taken, on paying to the State the value of the same; *and, provided*, that no one depot, watering place, machine or workshop, or other buildings for the convenient use of such roads, shall cover over two square acres each, and that said sites or places on the lands of this State shall not be nearer to each other than five miles along the lines of said roads. The right is hereby further given and granted to said companies, to take from any of the lands belonging to this State all such materials of earth, wood, stone, or other materials whatever, as may be necessary or convenient, from time to time, for the first construction or equipment of said road or roads, or any part thereof; *provided*, that the grants herein made, as well of the use of the land of this State as for the materials for the con-

Right of way granted.

Width of right of way.

Depots, etc.

Provisos. struction and equipment of said road or roads, shall cease and determine as respects such particular road, which shall not have been begun and completed within the times limited in section thirty-nine of this Act; *and, provided further*, that if any road, at any time after its location, shall be discontinued or abandoned by said company or companies, or the location of any part thereof be so changed as not to cover the lands of the State thus previously occupied, then the lands so abandoned or left shall revert to this State; *and, provided further*, that when the location of the route of either of said railroads, or sites or places for depots, watering places, machine or workshops, or other buildings for the convenient use of the same, shall be selected, the Secretary of the said company shall transmit to the Surveyor General, and to the Controller of the State, and to the Recorder of the county in which the lands so selected are situated, to each of said officers, a correct plot of the location of said railroad, or sites or places, before such selection shall become operative. And when any such company shall, for its purposes aforesaid, require any of the land belonging to any of the counties, cities, or towns in this State, the county, city, and town officers respectively, having charge of such lands, may grant and convey such land to such company, for a compensation which shall be agreed upon between them, or may donate and convey the same without any compensation; and if they shall not agree upon the sale and price, the same may be taken by the company as is provided in other cases of taking lands by the provisions of this Act.

Conveyance of lands, etc., by cities.

Cities may make grants. 3446. SEC. 21. Any county, city, or town, in this State, shall have, and are hereby fully empowered, by and through a two thirds vote of the Board of Commissioners, the Common Council, or any other officers having a supervisory or other control of such county, city, or town, respectively, to give, grant, or donate, to any railroad company now organized, or that may be hereafter organized under the laws of this State, the use of any of the streets or highways which may be absolutely necessary in order to enable any such company to reach an accessible point for a depot in any such county, city and county, city, or town, or to pass through the same on as direct a route as possible and accommodate the traveling and commercial interests thereof; *provided, however*, the provisions of this section shall not apply to any street railroad now constructed, or hereafter to be constructed, in any of the incorporated cities of this State; nor shall any railroad company, who may avail themselves of the provisions of this section, ever use their road for street railroad purposes, or for the purpose of carrying passengers for a consideration from one point to another in the same city; nor shall any city or town donate any public square, or any land set apart, to the use of any one company.

Proviso.

Surveys. 3447. SEC. 22. Any railroad company, organized under the provisions of this Act, or any railroad company organized under any law of this State, which shall accept the provisions of this Act, as herein provided, is authorized to enter upon any land for the purpose of surveying the line of its proposed railroad, the company being responsible for any damage occasioned by such; and such company is also authorized to acquire, purchase, and hold any real estate, or any right, title, or interest therein, which may be necessary or proper for the purpose of the construction or maintenance of the track or tracks, water stations, depots, machine or workshops, turntables, or any other building or structure necessary for such railroad; but such company shall not hold such real estate, or any right, title, or interest therein, acquired or used solely or mainly for the construction or maintenance of the track or tracks of said railroad, beyond the time of the legal existence of said company, nor after the location of said track or tracks has been changed therefrom, nor after said company shall have failed, or ceased, to the use of the same for the maintenance of such track for the space of five years continuously; but in each of such cases, the said real estate, and all the right, title, and interest therein, shall revert to the person or persons, and his or their assigns, from whom the same was acquired by said company.

General rights and powers.

3448. SEC. 23. If it shall become necessary, for any of the purposes aforesaid, for such company to acquire any real estate, or any right, title, or interest therein, which is the property of any infant, idiot, or insane person, the guardian, executor, or administrator (as the case may be), may sell and convey the same to said company, but neither such sale or conveyance shall be valid, for any purpose, until the same shall have been approved by the Judge of the proper Court; and said Judge is hereby authorized to examine such deeds and conveyances, and if he shall deem the same just and proper he shall approve the same, and thereupon such conveyances shall have the same force and effect, for the purposes in this section mentioned, as if the same had been executed by persons competent to convey lands in their own names. [As amended February 27, Stats. 1869, p. 90.]

Guardians, etc., may convey real estate to company

3449. SEC. 24. Such company may acquire any real estate, or any right, title, interest, estate, or claim therein or thereto, necessary for the purposes of said company, as hereinbefore provided, by means of the special proceedings prescribed in this Act. The said special proceedings shall be substantially as follows: The said company shall file in the Clerk's office of the District Court, in the county in which said real estate is situated, a petition verified according to law, stating therein the name of the company, the time when it was incorporated, that it still continues in legal existence, the principal termini of the proposed road, the description by metes and bounds, or by some accurate designation of the tract or tracts of land which said company desire to appropriate for the purposes in the foregoing section mentioned; that said tract or tracts of land are necessary for said purposes; that the line of said railroad has been surveyed, and a map thereof made (a copy of which shall be filed with the said petition); that said line has been adopted as the route of said railroad, and the names of the persons in possession of said tract or tracts of land, and of those claiming any right, title, or interest therein, as far as the same can be

Special proceedings to acquire real estate.

ascertained by reasonable diligence. [As amended February 27, Stats. 1869, p. 90.]

Rights of defendants. 3450. SEC. 25. The persons in occupation of said tract or tracts of land, and those having any right, title, or interest therein, whether named in the petition or not, shall be defendants thereto, and may appear and show cause against the same, and may appear and be heard before the Commissioners herein provided for, and in proceedings subsequent thereto, in the same manner as if they had appeared and answered said petition.

Hearing of petition. 3451. SEC. 26. The said Court, or the Judge thereof, either in term or vacation, shall, by order, appoint the time for the hearing said petition, and such hearing may be had, and all orders in said proceedings may be made by the said Court, or the Judge thereof, either in term time or vacation.

To notify owners. 3452. SEC. 27. The said company shall cause all the occupants and owners of said tract or tracts of land, so far as the same can be ascertained by reasonable diligence, who reside in said county, to be personally notified of the pendency of the said petition at least ten days before the hearing thereof, and if any of said occupants or owners are unknown, or do not reside in said county, and have not been personally notified of the pendency of the said petition, said company shall cause a notice stating the filing of said petition, the object thereof, the tracts of land sought to be appropriated, and the time and the place of the hearing of said petition, to be published for four successive weeks previous to the time of hearing said petition, in a newspaper published in said county, or, if none is published in said county, then in a newspaper published nearest to said county. Publication of notice.

Defendants may appear. 3453. SEC 28. The defendants to said petition may appear and show cause against said petition, on or before the time for the hearing thereof, or such other time as the hearing may be continued to, and upon satisfactory proof being made that the defendants have been duly notified of the pendency of said petition, as herein prescribed, and upon the hearing of the allegations and proofs of the said parties, if the said Court, or Judge, shall be satisfied that the said lands, or any part thereof, are necessary or proper for any of the purposes mentioned in said petition, then such Court, or Judge, shall appoint three competent and disinterested persons as Commissioners, one of whom shall be selected from among the persons, if any, named for that purpose by said company, and one shall be selected from among the persons, if any, named on the part of any of the defendants, to ascertain and assess the compensation to be paid to any person or persons having or holding any right, title, or interest in or to each of said tracts of land, for and in consideration of the appropriation of such land to the use of said company. To appoint Commissioners. If any vacancy occur among said Commissioners, by reason of any one or more of them refusing or neglecting to act, or by any other means, one or more Commissioners may be appointed by said Court, or Judge, to fill such vacancy, upon notice being given of such vacancy, as said Court, or Judge, may direct. Vacancy.

Meeting of Commissioners. 3454. SEC. 29. The said Court, or Judge, shall appoint the time and place for the first meeting of said Commissioners, and the time for filing of their report, and may give such further time as may be necessary for that purpose, if they shall not then have completed their duties. The said Commissioners, or a majority of them, shall meet at the time and place as ordered, and, before entering on their duties, shall be duly sworn to honestly, faithfully, and impartially perform the duties imposed upon them; and any one of them may issue subpœnas for witnesses for either of said parties, and may administer oaths; and said Commissioners may adjourn from place to place, and from time to time, as may be necessary for the proper discharge of their duties.

3455. SEC. 30. The said Commissioners shall proceed to view the several tracts of land as ordered by said Court, or Judge, and shall hear the allegations and proofs of said parties, and shall ascertain and assess the compensation for the land sought to be appropriated, to be paid by said company to the person or persons having or holding any right, title, or interest in or to each of the several tracts of land; and in ascertaining and assessing such compensation, they shall take in consideration and make allowance for any benefit or advantages that in their opinion will accrue to such person or persons by reason of the construction of the railroad as proposed by said company; and if the said railroad company shall, in their petition filed in said special proceedings, offer or agree to make good and sufficient fences on the line of their said railroad, or any portion thereof, or to make good and sufficient cattle guards where fences may cross said line of railroad, at such places and such times as the same may be necessary, no sum or price for such fences shall be included in the compensation or damages to be awarded by said Commissioners; but such railroad company shall not be required to construct fences on the line of their railroad where the same passes through uninclosed tracts of lands, nor until inclosures shall be made abutting upon the property of said company; and such Commissioners shall, on or before the time or times as ordered by said Court, or Judge, file in said Clerk's office their report, signed by them, setting forth their proceedings in the premises, and they may include all of said tracts in one report, or they may make several reports, including one or more of said tracts of land, if the Court or Judge shall so order, or if they shall deem it proper. In case there are adverse or conflicting claims to the compensation assessed for any tract of land, or any right, title, or interest therein, thus sought to be appropriated, the parties thus asserting such claims shall present the same, by petition, to the Court or Judge after the report of the Commissioners shall have been filed, and the said Court or Judge shall proceed to hear and determine the same; and in such case, said company may pay the amount of such compensation to the Clerk of said Court, to abide the order of the Court or Judge in said proceedings, and said company shall not be liable for any of the costs caused by the adjudication of such conflicting claims.

Compensation.

To file report.

Adverse claims.

3456. SEC. 31. The said company, or any of said defendants, if dissatisfied with the report, may, within twenty days after the time for the filing of said report, and after ten days notice to the parties interested, move to set aside the report, and to have a new trial as to any tract of land, upon good cause

New trial.

shown therefor; and the said Court or Judge shall set aside the report as to such tract of land, and may recommit the matter to the same or to other Commissioners, who shall be ordered to proceed in like manner as those first appointed; but such matter shall not be more than twice recommitted to Commissioners.

Confirmation of reports. 3457. SEC. 32. Upon the expiration of twenty days after the filing of said report or reports, or at such further time as may be appointed therefor, if the motion and notice shall not have been made and given, as aforesaid, and if the proceedings of said Commissioners appear to have been correctly and properly done, the said Court, or Judge, shall confirm each of said reports, and certify the same thereon.

Record of reports. 3458. SEC. 33. Each of said reports, and the certificates thereon, upon the compensation therein named being paid, shall be recorded in the Recorder's office of said county by said company. The said Court, or Judge, may make all such orders as may be necessary or proper in the special proceedings provided for in this Act, and shall cause the pleadings and proceedings to be amended whenever justice shall require it to be done, and shall direct the manner of the service of all orders and notices not herein specially provided for. Costs. Costs in such special proceedings shall be taxed by the Clerk at the rates prescribed in the fee bill for said county in civil actions, and shall be paid by said company, except in case where a defendant shall move for a new trial, and the compensation assessed by the Commissioners shall not be increased more than ten per cent upon the previous assessment, in which case such defendant shall pay the cost.

Defective title. 3459. SEC. 34. If the title attempted to be acquired by virtue of the provisions of this Act, shall be found to be defective from any cause, such company may again institute proceedings to acquire the same, as in this Act prescribed; and at any stage of such new proceedings, or of any proceedings under this Act, the Court, or Judge in chambers, may rule or order in their behalf made, authorize such company, if already in possession, to continue in the use and possession, and if not in possession, to take possession of, and use such premises during the pendency of, and until the final conclusion of such proceedings, and may stay all actions and proceedings against such company on account thereof; *provided*, such company shall pay a sufficient sum in Court, or give security, to be approved by such Court, or Judge, to pay the compensation in that behalf when ascertained.

Passage of. 3460. SEC. 35. Upon the report of the Commissioners being filed for record, as above provided for, and upon the payment or tender of the compensation and costs, as prescribed in this Act, the real estate, or the right, title, or interest therein, described in such report, shall become the property of said company for the purpose of its incorporation, and shall be deemed to be acquired for, and appropriated to, public use.

3461. SEC. 36. Such company shall, within thirty days after the final confirmation of the report as aforesaid, pay or tender the sum of money ascertained and assessed by said Commissioners as and for the compensation of each tract of land described in said report, of which the compensation was ordered by said Court or Judge, to be ascertained and assessed as aforesaid; and said payment or tender may be made to the person or persons owning said tract of land, or having or holding any right, title, or interest therein, according to the amount or extent of the right, title, or interest, owned or held therein by such person or persons, or said payment may be made to the said clerk for said persons, and the same shall be deemed and taken as a payment to such person or persons, and shall be as effectual for all purposes whatsoever as if the said sum of money had been personally paid to each and all of the persons entitled thereto. Payment of tender.

3462. SEC. 37. The said Court or Judge shall, at the time of the payment of the said sum of money to the said clerk, or at such other time or times as may be ordered, direct and order the same to be paid over to the person or persons who shall, upon satisfactory proof, appear to be entitled thereto. Court to order payment.

3463. SEC. 38. In all the proceedings in relation to the sale or appropriation of real estate, and ascertaining and receiving the compensation therefor, for railroad purposes, as prescribed in this Act, the term "person" shall be deemed to include municipal or other corporations. Definition of "person."

3464. SEC. 39. The minutes of the proceedings had before such Judge shall be entered by said Clerk in the same manner, and with the same force and effect, as if the proceedings were had before said Court in term time. Duties of Clerk.

3465. SEC. 40. It shall be lawful for two or more railroad companies to amalgamate and consolidate their capital stock, debts, property, assets, and franchises, in such manner as may be agreed upon by the Board of Directors of such companies so desiring to amalgamate and consolidate their interests; but no such amalgamation or consolidation shall take place without the written consent of three fourths of the value of all stockholders in interest of each company; and no such amalgamation or consolidation shall in any way relieve such companies, or stockholders thereof, from any and all just liabilities; and in case of such amalgamation or consolidation, due notice of the same shall be given by advertising for one month in at least one newspaper in each county, if there shall be one published therein, into or through which such roads shall run, and also for the same length of time in one paper published in Virginia City, and one at the capital of the State; and when the consolidation and amalgamation is completed a copy of the new articles of association shall be filed in the office of the Secretary of State. It shall be the duty of the railroad company to make and maintain a good and sufficient fence on either or both sides of their property; and in case any company do not make and maintain such fence, if their engine or cars shall kill, maim, or destroy any cattle, or other domestic animals, when they stray upon their line of road, where it passes through or alongside of the property of the owners thereof, they shall pay to the owner or owners of such cattle, or other domestic animal, a fair market price for the same, unless the owner or owners of the animal or animals so killed, maimed, or destroyed, shall be negligent or at fault. In any case, where the railroad com- Companies may consolidate. Publication of notice. Copy to be filed. To pay damages.

Not liable in certain cases.

Company may recover damages.

pany have heretofore, or may hereafter, pay to the owner or owners of the land, through which, or alongside of which, their road is or may be located, an agreed price for making and maintaining such fence, or whenever the cost of such fence has been or may be included in the amount of damages allowed and paid for the right of way for such railroad, such company shall be entirely relieved and exonerated from all claims and awards of damages arising out of the killing or maiming any animals, as aforesaid, in favor of all persons, or their successors or assigns, who shall thus fail to construct and maintain such fence. And the owner or owners of such animals shall become responsible to the railroad company for any damage or loss which may accrue to such company from such animals being upon their railroad track, by reason of the non-construction of such fence by said owner, unless it can be proven that such loss or damage accrued by reason of the negligence of such company, its officers, agents, or employés.

Regulations of trains.

Penalty.

3466. SEC. 41. A bell of at least twenty pounds weight shall be placed on each locomotive engine, and be rung at a distance of at least eighty rods from the place where the railroad shall cross any street, road, or highway, under a penalty of one hundred dollars for every neglect, to be paid by the corporation owning the railroad, one half thereof to go to the informer, and the other half to the State; and said corporation shall also be liable for all damage which shall be sustained by any person by reason of such neglect.

Checks.

3467. SEC. 42. A check shall be affixed to every package or parcel of baggage, when taken for transportation, by the agent or employé of such railroad company, and a duplicate thereof given to the passenger or person delivering the same in his behalf; and if such check be refused on demand, the railroad company shall pay to such passenger the sum of twenty dollars, to be recovered in an action for debt, and, further, no fare or toll shall be collected or received from such passenger; and if such passenger shall have paid his or her said fare, the same shall be returned by the conductor in charge of the train; and if, on producing said check, his or her baggage shall not be delivered to him or to her by the agent or employé of said railroad company, he or she may, himself or herself, be a witness in any suit brought by him or her to recover the value thereof, to prove the contents and value of said baggage.

Map and profile to be filed.

3468. SEC. 43. Every railroad company in this State shall, within a reasonable time after their road shall be finally located, cause to be made a map and profile thereof, and of the land taken and obtained for the use thereof, and the boundaries of the several counties through which said road may run, and file the same in the office of the Secretary of State; and also like maps of the parts thereof located in different counties, and file the same in the office of the Clerk of the county in which said parts of said road shall be, there to remain as of record forever. The said maps and profiles shall be certified by the Chief Engineer, the acting President, and Secretary of such company, and copies of the same, so certified and filed as aforesaid, shall be kept in the office of the Secretary of the company, subject to examination by all parties interested.

3469. SEC. 44. Every such railroad corporation shall make an annual report to the Secretary of State of the operations of the year ending on the thirty-first day of December, which report shall be verified by the oaths of the President or acting Superintendent of operations, the Secretary and Treasurer of such corporation, and filed in the office of the Secretary of State by the twentieth day of January in each year, and shall state: First—The capital stock and amount actually paid in. Second—The amount expended for the purchase of lands for the construction of the road, for buildings, and for engines and cars, respectively. Third—The amount and nature of its indebtedness, and the amount due the corporation. Fourth—The amount received from the transportation of passengers, of property, of mails, express matter, and from other sources. Fifth—The amount of freight, specifying the quantity in tons. Sixth—The amount paid for repairs of engines, cars, buildings, and other expenses, in gross, showing the current expenses of running such road. Seventh—The number and amount of dividends, and when paid. Eighth—The number of engine houses and shops, of engines and cars, and their character. **Annual report to be verified.** **Form of report.**

3470. SEC. 45. Every such company shall start and run their cars for the transportation of persons and property, at such regular times as they shall fix by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and property as shall, within a reasonable time previous thereto, offer, or to be offered, for transportation at the place of starting and the junction of other railroads, and at siding and stopping places, established for receiving and discharging way passengers and freight, and shall take, transport, and discharge such passengers and property at, from, and to such places, on the due payment of tolls, freight, or fare therefor. **Duties of company.**

3471. SEC. 46. In cases of refusal by such company, or their agents, so to take and transport any passengers or property, or to deliver the same at the regular appointed places, such company shall pay to the party aggrieved all damages which shall be sustained thereby, with costs of suit. **Company to pay damages.**

3472. SEC. 47. It shall be unlawful to place baggage, freight, merchandise, or lumber cars in the rear of passenger cars; and for any violations of the provisions of this section the company shall be liable, upon complaint of the party complaining, in the sum of five hundred dollars; and the person, agent, Director, or officer, so causing the cars to be placed, shall be guilty of a misdemeanor, and upon conviction of such offense shall be fined in any sum not exceeding five hundred dollars, or imprisonment in the County Jail for three months, or both such fine and imprisonment; and should any accident happen to life or limb by such unlawful arrangement of cars, the person, agent, Director, or officer, who so directed or suffered such arrangement, shall be guilty of felony, and, upon conviction thereof, shall be imprisoned in the Penitentiary for any term not less than three nor more than ten years. **Arrangement of trains.** **Misdemeanor.**

3473. SEC. 48. In case any passenger on any railroad shall be injured on the platform of a car, or any baggage, wood, gravel, or freight cars, in violation of the printed regulations of **When liable.**

the company, posted up at the time in a conspicuous place inside of its passenger cars then in the train, or in violation of verbal instructions given by any officer of the train, such company shall not be liable for the injury; *provided*, said company, at the time, furnished room inside of its passenger cars sufficient for the accommodation of its passengers.

Conductor may eject passengers. 3474. SEC. 49. If any passenger shall refuse to prepay his fare, or toll, upon demand, it shall be lawful for the conductor of the train, and the employés of the company, to put him out of the cars at any stopping place the conductor may elect.

Officers to wear badge 3475. SEC. 50. Every conductor, baggage master, engineer, brakesman, or other employé of any railroad company employed in a passenger train, or at stations for passengers, shall wear upon his hat, or cap, or in some conspicuous place on the breast of his coat, a badge, which shall indicate his office, or station, and the initial letters of the name of the company by which he is employed. No conductor, or collector, without such badge, shall demand, or be entitled to receive, from any passenger, any fare, toll, or ticket, or exercise any of the powers of his office, or station, and no one of said officers or employés, without such badge, shall have any authority to meddle or interfere with any passenger or property.

Rate to charge. 3476. SEC. 51. It shall be unlawful for any such railroad company to charge more than ten cents per mile for each passenger, and twenty cents per mile for each ton of freight transported on its road; and for every transgression of such limitation the company shall be liable to the party suffering thereby treble the entire amount of fare or freight so charged to such party; *provided*, that in no case shall the company be required to receive less than thirty-five cents for any one lot of freight for any distance.

Proviso.

Penalty for intoxication. 3477. SEC. 52. If any person, while in charge of a locomotive engine running upon any railroad for such company, or while acting as a conductor of a car, or train of cars, on any such railroad, be intoxicated, he shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding one thousand dollars, or imprisoned in the County Jail not exceeding six months.

Injuries to works of company. 3478. SEC. 53. If any person or persons shall willfully do, or cause to be done, any act or acts whatever whereby any building, construction, or work of any kind of any such company, or any engine, machine, or structure, or any matter or thing appertaining to the same, or track of said road, or any property or thing belonging to or appertaining to such railroad, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, such person or persons so offending shall be guilty of a misdemeanor, and shall forfeit and pay to said company treble the amount of damages sustained by means of such offense, besides a fine not exceeding five hundred dollars, or imprisonment in the County Jail not exceeding six months, or both such fine and imprisonment, in the discretion of the Court; and if, by reason of any unlawful act, any accident should happen to life or limb of any person riding or being in the cars of such railroad, then such person or persons shall be guilty of felony, and, upon con-

Penalty.

viction thereof, shall be imprisoned in the Penitentiary for any term not less than three nor more than ten years. It shall be unlawful for any person or persons engaged in mining or other pursuits, to tunnel, drift, or in any manner excavate under or upon any land belonging to any railroad company, without the consent of such company; and any person so offending shall be liable to the fine and imprisonment hereinbefore mentioned, whether injury results to any person by reason thereof or not. Same.

3479. SEC. 54. If such railroad company shall not, within two years after the filing of its original articles of association, begin the construction of its road, and expend thereon at least five per cent on the amount of its capital stock, and finish the road and put it in full operation within six years, its Act of incorporation shall be void. Percentage to be charged.

3480. SEC. 55. If any certificate or report made, or public notice given, by the officers of such company, in pursuance of the provisions of this Act, shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts of the company contracted while they are stockholders or officers thereof, and shall likewise be guilty of a misdemeanor, and shall be fined in any sum not exceeding one thousand dollars, in any Court having jurisdiction, and disqualified from holding any office of trust or profit in such company. False notice or report.

3481. SEC. 56. If the Directors of such company shall declare and pay any dividend when the company is insolvent, or any dividend the payment of which would make it insolvent, they shall be jointly and severally responsible for all the debts of the company then existing, and for all that shall thereafter be contracted, so long as they shall respectively remain in office; *provided*, that if any of the Directors shall be absent at the time of making the dividends, or shall object thereto, and shall, within thirty days thereafter, or after their return, if absent, file a certificate of their absence, or objections, with the Secretary of the company, and with the Clerk of the County or District Court of the county in which the principal office of said company is located, they shall be exempt from all liability. All the existing railroad companies in this State may acquire and may be possessed of all the powers, rights, and benefits conferred by this Act, fully and completely, by filing a written acceptance thereof in the office of the Secretary of State, signed by all the Directors of said company, and attested by the President and Secretary thereof, with the seal of such company affixed thereto; and the acceptance of any part of this Act shall be deemed and taken to be an acceptance of the whole Act, and a surrender of the Act or Acts under which the company may be organized. Thereupon such company shall possess all of such powers, rights, and benefits so accepted, and be subject to all of the obligations and restrictions herein specified, as fully and completely as they would have had and been if organized under this Act. Payment of dividends when insolvent. Acceptance to be filed in office of Secretary of State.

3482. SEC. 57. All railroads built by companies incorporated under the provisions of this Act shall be constructed

Kind of rail to be used in construction. Proviso. with the best quality of iron rail known as T rail and H rail, or other patterns of equal utility; *provided*, the provisions of this section shall neither apply to tracks laid down in streets of incorporate cities or towns, nor other railroads operated by animal power.

Acts repealed. 3483. SEC. 2. Section two of an Act entitled "An Act to amend an Act entitled 'An Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto,' approved March twenty-second, eighteen hundred and sixty-five," approved March nine, eighteen hundred and sixty-six, and an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved March twenty-second, eighteen hundred and sixty-five,' approved March ninth, eighteen hundred and sixty-six," approved February sixteenth, eighteen hundred and sixty-nine, are hereby repealed. [As amended February 21, Stats. 1871, p. 65.]

Street railroads. 3484. SEC. 58. Corporations may be formed under this Act for the purpose of constructing, running, operating, and maintaining a street railroad, or railroads, being wholly within the limits of a city, and county, and town, under a franchise or franchises heretofore given to any such company or companies.

CHAPTER CXVIII.

OF THE PACIFIC RAILROAD AND TELEGRAPH ACT; SPECIAL RAILROAD ACTS.

SECTION 3485. Provisions of Act of Congress; powers and privileges granted.

An Act to aid in carrying out the provisions of the Pacific Railroad and Telegraph Act of Congress, and other matters relating thereto.

[Approved March 9, 1866, p. 254.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Provisions of Act of Congress. 3485. SECTION 1. Whereas, by the provisions of an Act of Congress entitled "An Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July first, one thousand eight hundred and sixty-two, and the Acts amendatory thereof, approved July second, one thousand eight hundred and sixty-four, and March third, one thousand eight hundred and sixty-five, the Central Pacific Railroad Company

Powers and privileges granted.

of California, or any other railroad company formed, or hereafter to be formed, is authorized to construct a railroad and telegraph line in the late Territory, now the State of Nevada: Therefore, to enable the said company or companies more fully and completely to comply with and perform the provisions and conditions of the said Act of Congress, and to construct, operate, and maintain their said railroad and telegraph line in the State of Nevada, the said company or companies, their successors and assigns, are hereby authorized and empowered, and the right, power, and privilege is hereby granted to, conferred upon, and vested in them to construct, maintain, and operate the said railroad and telegraph line across the State of Nevada, with such branches and extensions of said railroad and telegraph line, or either of them, as said company or companies may deem necessary or proper; and also the right of way for said railroad and telegraph line, and said branches or extensions thereof, not to exceed one hundred feet on each side of said road, over any lands belonging to this State, and on, over, and along any streets, roads, highways, rivers, streams, water, and watercourses; but the same to be so constructed as not to destroy or obstruct the passage or navigation of the same; and also the right to condemn and appropriate to the use of said company or companies such private property, rights, privileges, and franchises as may be necessary, proper, or convenient for the purposes of said railroad and telegraph line; the compensation therefor to be ascertained and paid under and by special proceedings, as provided in the Act entitled "An Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto," approved March twenty-second, one thousand eight hundred and sixty-five. Said company or companies to be subject to and enjoy the benefit of the laws now in force in this State regulating the manner of constructing and operating railroad and telegraph lines, the rates of charges therefor, and providing remedies for injuries committed to property of the company or companies, except that messages and property of the United States, of this State, and of the said company or companies, shall have priority of transportation and transmission over said line of railroad and telegraph; hereby confirming to and vesting in said company or companies all the rights, privileges, franchises, power, and authority conferred upon, granted to, and vested in said company or companies by said Acts of Congress.

SPECIAL ACTS.—Eastern Nevada Railroad Company.—Stats. 1871, p. 67; also, Stats. 1873, p. 219.

Narrow Gauge Railroad from Virginia City to Reno.—Stats. 1871, p. 78.

Narrow Gauge Railroad from Palisades to Colorado River. Stats. 1871, p. 152.

Narrow Gauge Railroad from Reno to Susanville.—Stats. 1873, p. 215.

Railroad from Humboldt Wells to Colorado River.—Stats. 1873, p. 172.

Railroad from Aurora to East Walker River.—Stats. 1861, p. 54.

CHAPTER CXIX.

OF STEAM WAGONS.

SECTION 3486. Corporations, formation of.
3487. Authorized to locate, etc., roads; plat to be filed; copy of general articles to be filed; when work to be commenced; authorized to enter upon private lands, etc.; lands, how obtained.
3488. Authorized to purchase, etc., toll roads; provisos.
3489. Chinese labor prohibited.

An Act to promote the introduction and use of steam power for transportation purposes on common roads in the State.

[Approved February 21, 1871, p. 62.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Corporations, formation of.

3486. SECTION 1. Whenever it may be desired by three or more persons to form an association or incorporation for the purpose of introducing and maintaining in this State, steam traction wagons or locomotives, for common roads, for the purpose of transporting freight and passengers on such roads, such persons, their associates or assigns, are hereby authorized to form themselves into such association or incorporation, under and pursuant to the provisions of an Act entitled "An Act to provide for the formation of corporations for certain purposes," approved March tenth, one thousand eight hundred and sixty-five, and of the several Acts amendatory thereto. Such association or incorporation shall be subject to all the restrictions, and shall derive, and may profit by, all the privileges and benefits contained in said aforementioned Act.

Authorized to locate, etc., roads.

3487. SEC. 2. Such association or incorporation, in order to fully carry out its object, viz: the introduction and actual maintenance of lines of steam traction wagons or locomotives on roads of this State, are hereby expressly authorized to locate, survey, construct, maintain, and own, for their exclusive use, roads or highways, which shall include bridges over intervening streams, and all necessary grounds and property, real and personal, required for the purposes above mentioned, between points which shall be specified and designated as follows: Whenever any such association or incorporation may desire to build a road for the exclusive use of steam traction wagons, between any two or more points or towns in this State, such association or incorporation shall file a plat of the proposed road in the office of the County Recorder of the county or counties within or through which such road is proposed to be located; and shall also file a copy of the general articles of association of the company; and the record of such plat and articles of association shall give constructive notice to all persons of the matters therein contained; which record and notice shall confer upon the company so filing, the exclusive right to the route designated and shown in the plat, unless said company fails to commence the construction of said road prior to the expiration of the limit of ninety days, as hereinafter provided. The work of construction of said road must be commenced within ninety days from and after the filing of said plat The association or incorporation proposing to construct roads under this Act, are hereby authorized to enter upon private lands, for the purpose above specified, and to lay all their roads not exceeding one hundred and fifty feet in width, together with such lands as may be necessary for water, fuel, transfers, passenger and freight stations, and to cross any other road or highway; and if said lands cannot be obtained by the consent of the owner or owners thereof, then such association or incorporation is hereby required, in order to obtain such lands, to take the course prescribed and set forth in section three of "An Act to provide for constructing or maintaining toll roads and bridges in the State of Nevada," approved March eighth, one thousand eight hundred and sixty-five.

Plat to be filed.

Copy of general articles to be filed.

When work to be commenced.

Authorized to enter upon private lands, etc.

Lands, how obtained.

3488. SEC. 3. Such incorporations or associations are hereby authorized to combine, consolidate, or contract with, or purchase, any toll road which is, or may be, formed under the laws of this State, for the purpose of making use, in whole or in part, of such toll road, for the purposes hereinbefore mentioned; *provided*, that in case any such association or incorporation shall purchase any toll road as herein provided, the traveling public making use of said road prior to such purchase shall not be debarred the use of said road in consequence of such purchase; *and, provided further*, that all companies operating under this Act, that may effect any purchase of any toll road now built, or hereafter built, shall, in making use of said toll road for the purposes hereinbefore mentioned, run said steam wagons as near as may be in conformity with a schedule or time table, which must be regularly published for the benefit of the public; *and, provided further*, that the road now used as the main thoroughfare between Virginia City and Truckee Meadows shall not be used by said steam wagons for the purpose of transporting freight or passengers, except by special Act of the Legislature; *and, provided further*, that no toll road shall be used for the purposes herein specified except the Board of Commissioners of the county in which the same may be located, first certify, by public ordinance, that such use will not seriously interfere with its use by the public.

Authorized to purchase, etc., toll roads.

Provisos.

3489. SEC. 4. Chinese labor shall not be employed on said road or roads, in constructing the same, or after it or their completion, in any manner whatever, under the penalty of for-

Chinese labor prohibited.

feiture of the right of way, by the corporations or associations, or persons owning the said road or roads, to the State of Nevada.

CHAPTER CXX.

OF CONSTRUCTING AND MAINTAINING TELEGRAPH LINES.

SECTION 3490. Telegraph lines may be constructed.
3491. To sign and acknowledge certificate; file and record in office of Secretary of State; notice.
3492. May construct line over public or private lands; proviso.
3493. Rates to be posted at each office; misdemeanor.
3494. Lines to be governed by the general laws of State; proviso.
3495. Right of way; appraisers; tender of appraised value; proviso; appeal may be taken.
3496. Failure to keep line in repair to forfeit franchise; quo warranto.

An Act to provide for constructing and maintaining telegraph lines in the State of Nevada.

[Approved February 9, 1866, p. 61.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Telegraph lines may be constructed.

3490. SECTION 1. Any person or persons, company, association, or corporation desiring to do so, may construct and maintain, or if already constructed, may maintain, or if partially constructed, may complete and maintain, within this State, a telegraph line or lines, by complying with section two of this Act.

To sign and acknowledge certificate.

3491. SEC. 2. The person or persons, or the President or the managing agent of the company, association, or corporation mentioned in section one, shall make, sign, and acknowledge, before some officer authorized by law to take acknowledgments of deeds, a certificate in writing, setting forth the name or names of the person or persons, company, association, or corporation (as the case may be) by whom said line is to be operated, and the names of the points or places constituting the termini of said line within this State, and a general description of the route of said line, and shall file and cause the same to be recorded in the office of the Secretary of State, for which said person or persons, company, association, or corporation shall pay the Secretary of State, for the benefit of the Library Fund, the sum of five dollars, and also twenty-five cents for each folio contained in said certificate. The record of said certificates shall give constructive notice to all persons of the mat-

File and record in office of Secretary of State.

ter therein contained, and the work of constructing such line, if not already commenced or completed, within thirty days after the filing of the certificate aforesaid, and shall be continued, with all reasonable dispatch, until completed. Notice.

3492. SEC. 3. The person or persons, company, association, or corporation named in the certificate (provided for in section two), and their assigns, may construct, or if constructed, maintain, or if partially constructed, complete and maintain, their line of telegraph, described in their certificate, filed as aforesaid, over and through any public or private lands, and along or across any streets, alleys, roads, highways, or streams within this State; *provided*, they do not obstruct the same; and may operate the said telegraph line between the termini of the same, and have and maintain offices and stations at any city, town, place, or point along said line, and shall be entitled to demand, receive, and collect for dispatches and messages transmitted over such line, such sum or sums as he, she, they, or the officers of the company, association, or corporation (as the case may be), may deem proper. May construct line over public or private lands. Proviso.

3493. SEC. 4. The rates of charges so established shall be written, painted, or printed, in a plain and legible manner, and posted in each office on such line; and if any person or persons, company, association, or corporation, who shall construct, put in operation, and maintain any line of telegraph, shall demand or collect any higher or greater rates of charges than those specified and so posted, he, she, or they, or the officers or agents of the company, association, or corporation so doing, shall be deemed guilty of a misdemeanor, and on conviction thereof, before any Court of competent jurisdiction, shall, for each offense, be punished by fine, in any sum not exceeding one thousand nor less than one hundred dollars, and, in default of payment of such fine, may, in the discretion of the Court, be committed to the County Jail until such fine be paid; one half of all such fines shall go to the informer, and one half to the School Fund of the county in which such prosecution is had, but in no case shall the county be responsible for the costs in any such prosecution. Rates to be posted at each office. Misdemeanor.

3494. SEC. 5. Such line or lines of telegraph as may avail themselves of the provisions of this Act, shall also be governed, in all respects, by the general laws of the State regulating telegraph lines; do the business of side lines, and transmit all dispatches in the order in which they are received, under the penalty of one hundred dollars, and all damages sustained thereby, to be recovered, with costs of suit, by the person or persons whose dispatch is postponed out of its order; *provided*, that arrangements may be made with publishers of newspapers for the transmission of intelligence of general and public interest out of its order; *and, provided further*, that preference may be given to official dispatches for the detection and capture of criminals; messages on public business may be sent by the State of Nevada over such lines free of charge. Lines to be governed by the general laws of State. Proviso.

3495. SEC. 6. Any person or persons, company, association, or corporation, or their assigns, who are constructing, or who have already constructed, or who may propose to construct, a line of telegraph, as provided in this Act, shall have Right of way.

the right of way for the same, and so much land as may be necessary to construct and maintain such line, and for this purpose may enter upon private lands along the line described in the certificate, for the purpose of examining and surveying the same; and where such lands cannot be obtained by the consent of the owner or owners, possessor or possessors, thereof, so much of the same as may be necessary for the construction of said line, may be appropriated by said person or persons, company, association, corporation, or their assigns (as the case may be), after making compensation therefor, as follows, to wit: Appraisers. Said person or persons, company, association, corporation, or the President or managing agent thereof, shall select one appraiser, and said owner or owners, possessor or possessors, shall select one, and the two so selected shall select a third, and the three shall appraise the lands sought to be appropriated, after having been first sworn before some officer authorized by law to administer oaths, to make a true appraisement thereof, according to the best of their knowledge and belief. Tender of appraised value. If such person or persons, company, association, corporation, or its agent, shall tender to such owner or owners, possessor or possessors, the appraised value of such lands, appraised as aforesaid, he, she, or they, or the agent, officers, or employés of such company, association, or corporation, shall be entitled to proceed in the construction, or, if constructed, in the use of the line over the land so appraised, and may maintain said line over and upon said land, and at all times enter upon the same and pass over all adjoining lands, for the purpose of constructing, maintaining, and repairing said telegraph line, notwithstanding such tender may be refused; Proviso. *provided*, that such tender shall always be kept good by such person or persons, company, association, corporation, or its agent; *and, provided further*, that an Appeal may be taken. appeal may be taken by either party from the finding of the appraisers, to the District Court of the district within which the land so appraised shall be situated, at any time within three months after such appraisement.

Failure to keep line in repair to forfeit franchise. 3496. SEC. 7. The owner or owners of any line or lines constructed and maintained under, or availing himself, or themselves, or itself, of the provisions of this Act, shall at all times keep the same in as good condition and repair as may be practicable; and if such owner or owners shall fail to keep the same in such condition and repair, such failure shall work a forfeiture of all rights, privileges, and franchise belonging to such owner or owners, or any person having any interest therein. Quo warranto. Such franchise may be also declared forfeited on information in the nature of a quo warranto, in the manner provided by law.

CHAPTER CXXI.

OF SECRECY AND FIDELITY IN THE TRANSMISSION OF TELEGRAPH MESSAGES.

SECTION 3497. Penalty for divulging messages.
3498. Forged message.
3499. Penalty for wrongly using information.
3500. Willful neglect.
3501. Penalty for willfully opening messages.
3502. Further penalties.
3503. Bribery.
3504. Penalty for injuring line.
3505. Civil suit.
3506. Employés exempt, etc.
3507. Contracts.
3508. Actual notice.
3509. Legal instruments.
3510. Bills, notes, etc.
3511. Proof as to genuineness.
3512. Warrant and orders of arrest; proviso.
3513. Service of writ or papers.
3514. Seal or stamp.
3515. Penalty for using private mark.
3516. Dispatches sent as received.
3517. Copy.
3518. California State Telegraph Company, its rights, etc.
3519. Privileges in Nevada.
3520. Repeal.

An Act for the regulation of the telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages.

[Approved February 16, 1864, p. 125.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

3497. SECTION 1. If any officer, agent, operator, clerk, or employé of a telegraph company, or any other person, shall willfully divulge to any other person than the party from whom the same was received, or to whom the same is addressed, or his agent or attorney, any message received or sent, or intended to be sent, over any telegraph line, or the contents, substance, purport, effect, or meaning of such message, or any part thereof; or shall willfully alter any such message, by adding thereto or omitting therefrom any word or words, figure or figures, so as

Penalty for divulging messages.

Same.

to materially change the sense, purport, or meaning of such message, to the injury of the person sending or desiring to send the same, or to whom the same was directed, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court; *provided*, that when numerals or words of number occur in any message, the operator or clerk sending or receiving may express the same in words or figures, or in both words and figures, and such fact shall not be deemed an alteration of the message, nor in any manner affecting its genuineness, force, or validity.

Forged message.

3498. SEC. 2. If any agent, operator, or employé in any telegraph office, or any other person, shall knowingly or willfully send by telegraph to any person or persons, any false or forged message, purporting to be from such telegraph office, or from any other person, or shall willfully deliver or cause to be delivered to any person, any such message, falsely purporting to have been received by telegraph; or if any person or persons shall furnish or conspire to furnish, or cause to be furnished, to any such agent, operator, or employé, to be so sent by telegraph, or to be so delivered, any such message, knowing the same to be false or forged, with the intent to deceive, injure, or defraud any individual, partnership, or corporation, or the public, the person or persons so offending, shall be deemed guilty of a misdemeanor, and shall be punished by fine, not to exceed one thousand dollars, or imprisonment, not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court.

Penalty for wrongly using information.

3499. SEC. 3. If any agent, operator, or employé in any telegraph office, shall in any way use or appropriate any information derived by him from any private message or messages passing through his hands, and addressed to any other person or persons, or in any other manner acquired by him, by reason of his trust as such agent, operator, or employé, or shall trade or speculate upon any such information so obtained, or in any manner turn, or attempt to turn, the same to his own account, profit, or advantage, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine, not to exceed one thousand dollars, or imprisonment, not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court; and shall also be liable in treble damages to the party aggrieved, for all loss or injury sustained by reason of such wrongful act.

Willful neglect.

3500. SEC. 4. If any agent, operator, or employé in any telegraph office, shall unreasonably and willfully refuse or neglect to send any message received at such office for transmission, or shall unreasonably and willfully postpone the same out of its order, or shall unreasonably and willfully refuse or neglect to deliver any message received by telegraph, the person so offending shall be deemed guilty of a misdemeanor, and may be punished by fine, not to exceed five hundred dollars, or imprisonment not to exceed six months, or by both such fine and imprisonment, in the discretion of the Court; *provided*, that nothing herein contained shall be construed to require any message to be received, transmitted, or delivered, unless the charges thereon shall have been paid or tendered, nor to require the sending, receiving, or delivery of any message counseling, aiding, abetting, or encouraging treason against the Government of the United States, or other resistance to lawful authority, or any message calculated to further any fraudulent plan or purpose, or to instigate or encourage the perpetration of any unlawful act, or to facilitate the escape of any criminal or person accused of crime.

Penalty for willfully opening messages.

3501. SEC. 5. If any person not connected with any telegraph office shall, without the authority or consent of the person or persons to whom the same may be directed, willfully and unlawfully open any sealed envelope inclosing a telegraphic message and addressed to any other person or persons, with the purpose of learning the contents of such message, or shall fraudulently represent any other person or persons, and thereby procure to be delivered to himself any telegraphic message addressed to such other person or persons, with the intent to use, destroy, or detain the same from the person or persons entitled to receive such message, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine, not to exceed one thousand dollars, or imprisonment, not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court; and shall, moreover, be liable in treble damages to the party injured, for all loss and damages sustained by reason of such wrongful act.

Further penalties.

3502. SEC. 6. If any person not connected with any telegraph company shall, by means of any machine, instrument, or contrivance, or in any other manner, willfully and fraudulently read, or attempt to read any message, or to learn the contents thereof whilst the same is being sent over any telegraph line, or shall willfully and fraudulently or clandestinely learn, or attempt to learn, the contents or meaning of any message, while the same is in any telegraph office, or is being received thereat, or sent therefrom, or shall use, or attempt to use, or communicate to others, any information so obtained by any person, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine, not to exceed one thousand dollars, or imprisonment, not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court.

Bribery.

3503. SEC. 7. If any person shall, by the payment or promise of any bribe, inducement, or reward, procure, or attempt to procure, any telegraph agent, operator, or employé to disclose any private message, or the contents, purport, substance, or meaning thereof; or shall offer to any such agent, operator, or employé any bribe, compensation, or reward for the disclosure of any private information received by him by reason of his trust as such agent, operator, or employé; or shall use, or attempt to use, any such information so obtained, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine, not to exceed one thousand dollars, or imprisonment, not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court.

Penalty for injuring line. 3504. SEC. 8. If any person shall willfully or maliciously cut, break, or throw down any telegraph pole, or any tree, or other material used in any line of telegraph; or shall willfully, or maliciously break, displace, or injure any insulator in use in any telegraph line, or shall willfully or maliciously cut, break, or remove from its insulator any wire used as a telegraph line; or shall, by the attachment of a ground wire, or by any other contrivance, willfully destroy the insulation of such telegraph line, or interrupt the transmission of the electric current through the same; or shall, in any other manner, willfully injure, molest, or destroy any property or materials appertaining to any telegraph line; or shall willfully interfere with the use of any telegraph line, or obstruct, or postpone the transmission of any message over the same; or procure, or advise any such injury, interference, or obstruction, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine, not to exceed five hundred dollars, or imprisonment, not to exceed six months, or by both such fine and imprisonment, in the discretion of the Court; and shall, moreover, be liable to the telegraph company whose property is injured, in a sum equal to one hundred times the amount of actual damages sustained thereby.

Civil suit. 3505. SEC. 9. Any person offending against the provisions of sections one, two, four, six, or seven of this Act, shall, in addition to the penalties therein prescribed, be liable to the party damaged in a civil suit, for all damages occasioned thereby.

Employés exempt, etc. 3506. SEC. 10. All operators, clerks, and persons in the employ of any telegraph company, whilst employed in the offices of said company, or along the route of its telegraph lines, shall be exempt from militia duty and from serving on juries, and from any fine or penalty for the neglect thereof.

Contracts. 3507. SEC. 11. Contracts made by telegraph shall be deemed to be contracts in writing; and all communications sent by telegraph, and signed by the person or persons sending the same, or by his or their authority, shall be held and deemed to be communications in writing.

Actual notice. 3508. SEC. 12. Whenever any notice, information, or intelligence, written or otherwise, is required to be given, the same may be given by telegraph; *provided*, that the dispatch containing the same be delivered to the person entitled thereto, or to his agent or attorney. Notice by telegraph shall be deemed actual notice.

Legal instruments. 3509. SEC. 13. Any power of attorney, or other instrument in writing, duly proved or acknowledged, and certified so as to be entitled to record, may, together with the certificate of its proof or acknowledgment, be sent by telegraph, and the telegraphic copy, or duplicate thereof, shall, prima facie, have the same force and effect, in all respects, and may be admitted to record and recorded in the same manner and with like effect as the original.

3510. SEC. 14. Checks, due bills, promissory notes, bills of exchange, and all orders or agreements for the payment or delivery of money, or other thing of value, may be made or drawn by telegraph, and when so made or drawn, shall have the same force and effect to charge the maker, drawer, indorser, or acceptor thereof, and shall create the same rights and equities in favor of the payee, drawer, indorsee, acceptor, holder, or bearer thereof; and shall be entitled to the same days of grace as if duly made or drawn and delivered in writing; but it shall not be lawful for any person, other than the person or drawer thereof, to cause any such instrument to be sent by telegraph, so as to charge any person thereby. Except as hereinafter in the next section otherwise provided, whenever the genuineness or execution of any such instrument received by telegraph shall be denied on oath, by or on behalf of the person sought to be charged thereby, it shall be incumbent upon the party claiming under or alleging the same, to prove the existence and execution of the original writing from which the telegraphic copy or duplicate was transmitted. The original message shall, in all cases, be preserved in the telegraph office from which the same is sent. **Bills, notes, etc.**

3511. SEC. 15. Except as hereinbefore otherwise provided, any instrument in writing, duly certified, under his hand and official seal, by a Notary Public, Commissioner of Deeds, or Clerk of a Court of record, to be genuine, within the personal knowledge of such officer, may, together with such certificate, be sent by telegraph, and the telegraphic copy thereof shall, prima facie, only have the same force, effect, and validity, in all respects whatsoever, as the original, and the burden of proof shall rest with the party denying the genuineness or due execution of the original. **Proof as to genuineness.**

3512. SEC. 16. Whenever any person or persons shall have been indicted or accused, on oath, of any public offense, or thereof convicted, and a warrant of arrest shall have been issued, the magistrate issuing such warrant, or any Judge of the Supreme Court, or of any District, County, or Probate Court, may indorse thereon an order signed by him, and authorizing the service thereof by telegraph, and thereupon such warrant and order may be sent by telegraph to any Marshal, Sheriff, Constable, or policeman; and on the receipt of the telegraphic copy thereof by any such officer, he shall have the same authority, and be under the same obligation to arrest, take into custody, and detain the said person or persons, as if the said original warrant of arrest, with the proper direction for the service thereof duly indorsed thereon, had been placed in his hands, and the said telegraphic copy shall be entitled to full faith and credit, and have the same force and effect in all Courts and places as the original. But prior to indictment and conviction no such order shall be made by any officer, unless in his judgment there is probable cause to believe the said accused person or persons guilty of the offense charged; *provided*, the making of such order by any officer aforesaid shall be prima facie evidence of the regularity thereof, and of all proceedings prior thereto. The original warrant and order, or a copy thereof, certified by the officer making the order, shall be preserved in the telegraph office from which the same is sent; and in telegraphing the same, the original or the said certified copy may be used. **Warrant and orders of arrest.** **Proviso.**

Service of writ or papers.

3513. SEC. 17. Any writ or order in any civil suit or proceeding, and all other papers requiring service, may be transmitted by telegraph for service in any place; and the telegraphic copy of such writ, or order, or paper, so transmitted, may be served or executed by the officer or person to whom it is sent for that purpose, and returned by him, if any return be requisite, in the same manner, and with the same force and effect, in all respects, as the original thereof might be, if delivered to him; and the officer or person serving or executing the same shall have the same authority, and be subject to the same liabilities, as if the said copy were the original. The original, when a writ of order, shall also be filed in the Court from which it was issued, and a certified copy thereof shall be preserved in the telegraph office from which it was sent. In sending it either the original or certified copy may be used by the operator for that purpose.

Seal or stamp.

3514. SEC. 18. Whenever any document to be sent by telegraph bears a seal, either private or official, it shall not be necessary for the operator, in sending the same, to telegraph a description of the seal, or any words or device thereon; but the same may be expressed in the telegraphic copy by the letters "L. S.," or by the word "seal;" and whenever any such document bears a revenue stamp, it shall be sufficient to express the same in the telegraphic copy by the word "stamp," without any other or further description thereof.

Penalty for using private mark.

3515. SEC. 19. The President or Secretary of any telegraph company, doing business in the State, may file in the office of the County Clerk of the county in which the principal office of said company, within this State, is situated, a copy of any printed blank or envelope, picture, or device, used, or intended so to be, by said company, with his certificate that the same is commonly used, or is intended so to be, in the business of said company, as a distinguishing mark, notice, or index, of said business, and thereupon such blank, envelope, picture, or device, shall become the property of said company; and it shall not be lawful for any person, unless by the employment or permission of said company, to print, publish, distribute, or use, or cause to be printed, published, distributed, or used, either of them, or any copy, counterfeit, similitude, or imitation thereof. Any person willfully offending against the provisions of this section may be punished by fine, not to exceed five hundred dollars, or imprisonment not to exceed six months.

Dispatches sent as received.

3516. SEC. 20. It shall be the duty of any telegraph company doing business in this State to transmit all dispatches in the order in which they are received, under the penalty of one hundred dollars, to be recovered with costs of suit by the person or persons whose dispatch is postponed out of its order; *provided*, that communications to and from public officers on official business may have precedence over all other communications; *and, provided, also,* that intelligence of general and public interest may be transmitted for publication out of its order.

Copy.

3517. SEC. 21. The term "telegraphic copy," or "telegraphic duplicate," whenever used in this Act, shall be construed to mean any copy of a message made or prepared for delivery at the office to which said message may have been sent by telegraph.

3518. SEC. 22. The California State Telegraph Company, a company formed within the State of California, and having its principal office in the City of San Francisco, and doing business within the State of Nevada, is hereby declared to be duly incorporated under its present corporate name, style, and organization, and the right is hereby granted to said company to acquire, own, and enjoy, and to dispose of any and all such property, real and personal, franchises and privileges, as may be proper or convenient for the transaction of its business, and for effectually carrying out the objects and purposes of said company, as fully and completely as if said company had been originally formed and duly incorporated under the laws of this State, hereby conferring upon said company as ample power to do and transact business, and maintain its rights in all Courts and places, as is or may be possessed by domestic corporations or natural persons. **California State Telegraph Company, its rights, etc.**

3519. SEC. 23. There is hereby granted to the California Telegraph Company the privilege of constructing and putting in operation lines of telegraph over any public lands, and along or across any streets, roads, highways, or streams within the State of Nevada; *provided*, that the same be not unnecessarily obstructed thereby. **Privileges in Nevada.**

3520. SEC. 24. An Act for the regulation of the telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages, approved November twenty-fifth, eighteen hundred and sixty-one, is hereby repealed. **Repeal.**

CHAPTER CXXII.

OF THE INCORPORATION OF WIRE SUSPENSION TRAMWAY COMPANIES.

SECTION 3521. Companies, who authorized to form.
3522. Survey to be filed with County Recorder; right of way granted; restrictions.
3523. Exclusive right and term of franchise; construction of tramway; progress to be made; mining companies exempted.

An Act to provide for the incorporation of wire suspension tramway companies.

[Approved March 4, 1871, p. 133.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3521. SECTION 1. Any three or more persons who may desire to construct, own, and operate a wire suspension tram-

Companies, who authorized to form.

way in this State, may form themselves into a corporation for that purpose, under and pursuant to the provisions of an Act entitled "An Act to provide for the formation of corporations for certain purposes," approved March tenth, eighteen hundred and sixty-five, and the several Acts amendatory thereof. Such incorporations shall be subject to all of the restrictions, and may derive and profit by all the privileges and benefits that are conferred by said Act.

Survey to be filed with County Recorder.

3522. SEC. 2. Whenever said corporations shall have filed articles of association, according to the provisions of the Act hereinbefore mentioned, and shall have filed in the office of the Recorder of the county in which the principal place of business of the said corporation shall be located, a profile map of a survey of the route of the proposed line of wire suspension tramway, between the points which shall be designated as termini in the articles of association of said corporations, then and thereafter said corporations and their assigns shall have the right of way, which shall not exceed one hundred feet in width, to construct, own, and operate said line of tramway, and to enter upon private lands and to take sufficient thereof for the purposes of stations, machinery, and other appurtenances necessary for the construction and operations of said tramway; *provided*, they shall not be entitled to take of such private lands for any such purposes except under the operations and subject to the provisions, as far as they may apply, of section three of an Act entitled "An Act to provide for constructing and maintaining toll roads and bridges in the State of Nevada," approved March eighth, eighteen hundred and sixty five. [Chapter CLII, Sec. 3936.]

Right of way granted.

Restrictions.

Exclusive right and term of franchise.

3523. SEC. 3. Whenever any tramway incorporation shall have filed a profile map of a survey of their route, as hereinbefore provided, said corporations and their assigns shall have the exclusive right to use the said route for the construction and operations of a wire suspension tramway, and to charge toll for transportation thereon; and no other person, association, or corporation, shall within fifteen years thereafter construct or operate another parallel line of tramway within five hundred yards of said line; *provided*, that if said proposed lines shall be five miles or less in length, that the whole line shall be finished and ready for operation within eighteen months from the date of the filing of the profile map of said survey; and if the said proposed route shall be more than five miles in length, the said corporation shall complete an additional five miles of said line each year thereafter, until the whole of said line shall be completed; *provided*, that nothing in this Act shall be so construed as to prevent the owner of any mine or mining company from constructing a tramway or tramways for their own use.

Construction of tramway.

Progress to be made.

Mining companies exempted.

The Union Pacific Tunnel Company. See Stats. 1871, p. 146.

CHAPTER CXXIII.

OF BANKING ASSOCIATIONS.

SECTION 3524. Banking associations; citizens.
3525. Rate of interest.

An Act concerning banking associations formed in this State under the laws of the United States.

[Approved March 10, 1865, p. 353.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3524. SECTION 1. Any person who may hereafter form a banking association under an Act of Congress entitled "An Act to provide a national currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof," approved February twenty-fifth, one thousand eight hundred and sixty-three, and after they shall have fully complied with the provisions of said Act, be deemed and held to be citizens of this State, and shall have the same right to commence and maintain actions in all the Courts of justice within this State, and shall have and enjoy all the rights and privileges the same as if the said association, or the members thereof, were bona fide citizens or residents of this State. **Banking associations** **Citizens.**

3525. SEC. 2. When there is no express contract in writing fixing a different rate of interest, interest shall be allowed at the rate of twenty-four per cent per annum for all moneys after the same become due on any bond, bill, promissory note, or other instrument in writing, executed, drawn, or payable to or in favor of any banking association mentioned in section one of this Act, and upon any overdrawn bank account had with such association, and on any judgment recovered on any such bond, bill, promissory note, other instrument in writing, or overdrawn bank account in any Court in this State. **Rate of interest.**

CHAPTER CXXIV.

OF CORPORATIONS FOR THE ACCUMULATION AND INVESTMENT OF FUNDS AND SAVINGS.

SECTION 3526. Corporations for investment of funds, etc.
3527. Formation.
3528. Evidence of.
3529. Powers and privileges.
3530. Not to loan money without security on real estate, etc.
3531. Board of Directors; President; vacancy, how filled.
3532. Failure to elect not to dissolve corporation.
3533. First meetings of Directors.
3534. Majority of whole number to form a Board.
3535. Dividends; not to contract debts or liabilities, etc.
3536. When loans, etc., not to be made; to retain five per cent net profits; excess.
3537. Not to issue notes or bills to circulate as money.
3538. Purchase and conveyance of property; not to trade in merchandise, etc.
3539. Stockholders may vote.
3540. Minors' receipts for deposits valid; deposits, to whom paid.
3541. Annual statement to be published.
3542. Capital stock, etc.
3543. Unlawful to divide or reduce capital stock.
3544. How capital stock may be increased.
3545. Certificate to be filed.
3546. Stock deemed personal estate.
3547. Certificate of stock not to issue until money paid.
3548. May pledge stock.
3549. Corporation, how dissolved; hearing of application.
3550. Upon dissolution, Directors to be Trustees; powers, etc.; unclaimed deposits to be paid into State Treasury; how accounted for; receipt.
3551. Misnomer not to impair instrument.
3552. Corporations may avail themselves of this Act; certificate.
3553. Acts declared inoperative.

An Act to provide for the formation of corporations for the accumulation and investment of funds and savings.

[Approved March 5, 1869, p. 148.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Corporations for investment of funds, etc.

3526. SECTION 1. Corporations for the purpose of aggregating the funds and savings of the members thereof, and others, and preserving and safely investing the same for their common benefit, may be formed according to the provisions of this Act, and such corporations, and the members and stockholders thereof, shall be subject to all the conditions and liabilities herein imposed, and to none other.

3527. SEC. 2. Any five or more persons who may desire to form an incorporated company for the purposes specified in the preceding section, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the County Clerk of the county in which the principal place of business of the company is intended to be located, and a certified copy thereof in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate name of the corporation, the object for which the corporation shall be formed, the time of its existence, not to exceed fifty years, the number of Directors and their names, who shall manage the affairs of the company for the first six months, and the name of the city or town and county in which the principal place of business of the company is to be located. Formation.

3528. SEC. 3. A copy of any certificate of incorporation filed in pursuance of this Act, and certified by the County Clerk of the county in which it is filed, or his deputy, or by the Secretary of State, shall be received in all Courts, actions, proceedings, and places, as presumptive evidence of the facts therein stated. Evidence of.

3529. SEC. 4. When the certificate shall have been filed, the persons who shall have signed and acknowledged the same, and such persons as may thereafter become their associates or successors, shall be a body politic and corporate, and by their corporate name have succession for the period limited, and power: Powers and privileges.

First—To sue and be sued in any Court.

Second—To make and use a common seal, and to alter the same at pleasure.

Third—To purchase, hold, sell, convey, and release from trust or mortgage, such real or personal estate as hereinafter provided in this Act.

Fourth—To appoint such officers, agents, and servants as the business of the corporation shall require; to define their powers, prescribe their duties, and fix their compensation, and to require of them such security as may be thought proper for the fulfillment of their duties.

Fifth—To loan and invest the funds of the corporation; to receive deposits of money, and to loan and invest the same; to collect the same, with interest, and to pay such deposits, without interest, or with so much of the earnings and interest as the by-laws of the corporation may provide.

Sixth—To make by-laws, not inconsistent with the laws of this State, for the organization of the company and the management of its property, the regulation of its affairs, the conditions on which deposits shall be received, the time and manner of dividing the profits, and the time and manner in which any person may become or may cease to be a member of the corporation, and for carrying on all kinds of business within the objects and purposes of the company.

Not to loan money without security on real estate, etc.

3530. SEC. 5. No corporation, formed under this Act, shall loan any money without adequate security on real or personal property, except when any such corporation shall, by a by-law to that effect, adopted by a two-third vote of all the stock of the company subscribed and taken, authorize the making of loans to persons of reputed solvency, when ordered by a vote of not less than three fourths of all the Directors thereof.

Board of Directors.

3531. SEC. 6. The corporate powers of the corporation shall be exercised by a Board of not less than five Directors, residents of this State, and a majority of them citizens of the United States, who shall be holders of stock, each to such amount and under such conditions as the by-laws may prescribe (if a capital is provided for in the certificate of incorporation), or members, each having deposits with the corporation to the amount of at least one hundred dollars (if the company has no capital stock). All Directors to hold office after the expiration of the term of the Directors named in the certificate of incorporation, shall be annually elected, at such time and place, and in such mode, and upon such notice, as shall be directed by the by-laws of the company. All such elections shall be by ballot, and each stockholder who shall be a member and shall have signed the by-laws, shall be entitled to such number of votes as shall be fixed by the by-laws, not exceeding one vote for every share of stock held by him; and the by-laws may provide what qualifications shall entitle a member, not stockholder, or the members of a corporation having no stock, to a vote; and the persons receiving the greatest number of votes shall be Directors. The President of the corporation, who shall also be the President of the Board of Directors, shall be chosen by said Board from among their own number. When any vacancy shall occur in the Board of Directors, by death, resignation or otherwise, it shall be filled for the remainder of the term in such manner as may be prescribed by the by-laws of the company.

President.

Vacancy, how filled.

Failure to elect not to dissolve corporation

3532. SEC. 7. If it should happen at any time that an election of Directors shall not be made on the day designated by the by-laws of the company, the corporation shall not for that reason be dissolved, but it shall be lawful on any other day to hold an election for Directors, in such manner as shall be provided for by the by-laws of the company, and the Directors shall be continued in office until their successors shall be elected.

First meetings of Directors.

3533. SEC. 8. The call for the first meeting of the Directors shall be signed by one or more persons named Directors in the certificate setting forth the time and place of meeting, which notice shall be delivered personally to each Director, or published at least ten days in some newspaper of the county in which is the principal place of business of the corporation, or, if no newspaper be published in the county, then in the newspaper nearest thereto.

Majority of whole number to form a Board.

3534. SEC. 9. A majority of the whole number of Directors shall form a Board for the transaction of business, and every decision of a majority of the persons duly assembled as a Board, or a larger number if the by-laws shall so require, shall be valid as a corporate act.

3535. SEC. 10. It shall not be lawful for the corporation or the Directors to make any dividend, except from the surplus profits arising from the business of the corporation; and the Directors shall, at such times and in such manner as the by-laws shall prescribe, declare and pay dividends of so much of the profits of the company and of the interest arising from the capital stock and deposits, as may be appropriated for that purpose by the provisions of the by-laws. And it shall not be lawful for the corporation or the Directors to contract any debt or liability against the corporation for any purpose whatever; but the capital stock and the assets of the corporation shall be security to depositors who are not stockholders, and the by-laws may provide that the same security shall extend to deposits made by stockholders.

Dividends.

Not to contract debts or liabilities, etc.

3536. SEC. 11. Corporations formed under this Act, may prescribe by their by-laws the time and conditions in which repayment is to be made by depositors, but whenever there is any call by depositors for a repayment of a greater amount than the corporation may have disposable for that purpose, it shall not be lawful for the Directors or officers to make any new loans or investments of the funds of the depositors, or of the earnings thereof, until such excess of call shall have ceased; and the Directors of any corporation formed under this Act, and having no capital stock, shall retain on each dividend day, at least five per cent of the net profits of the corporation to constitute a reserve fund, which shall be invested in the same manner as other funds of the corporation, and shall be used toward paying any losses which the corporation may sustain in the pursuance of its lawful business. And the corporation may provide by its by-laws for the disposal of any excess in the reserve fund over one hundred thousand dollars, and the final disposal, upon the dissolution of the corporation, of the reserve fund, or of the remainder thereof after payment of losses.

When loans, etc., not to be made.

To retain five per cent net profits.

Excess.

3537. SEC. 12. No corporation formed under this Act, shall by any implication or construction, be deemed to possess the power of creating and issuing bills, notes, or other evidence of debt, for circulation as money.

Not to issue notes or bills to circulate as money.

3538. SEC. 13. The real and personal estate which it shall be lawful for any such corporation to purchase, hold, and convey, shall be: First—The lot and building in which the business of the company may be carried on; *provided*, that the cost of the same shall not exceed one hundred thousand dollars. Second—Such as shall have been mortgaged or pledged to it, or conveyed in trust for its benefit in good faith, for money loaned in pursuance of the regular business of the corporation. Third—Such as shall have been purchased at sales under pledges, mortgages, or deeds of trust made for its benefit; or upon judgments or decrees obtained or rendered for money so loaned. And the said corporation shall not purchase, hold, or convey real estate in any other case, or for any other purpose; and all such real estate as is described in the second and third subdivisions of this section, shall be sold by the said corporation within five years after the same shall be vested in it by purchase or otherwise; and the said corporation shall not,

Purchase and conveyance of property.

Not to trade in merchandise, etc. directly or indirectly, deal or trade in buying or selling any goods, wares, or merchandise whatever, except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business; and except bonds, securities, or evidences of indebtedness, public or private, gold and silver bullion, and United States mint certificates of ascertained value, and evidences of debt issued by the United States.

Stockholders may vote. 3539. SEC. 14. Any married woman, being a member, or holding stock in her own name in any company formed under this Act, may cast her own vote, and appoint her own proxy to vote for her. Whenever any stock or deposits are held by any person, or executor, administrator, trustee, or guardian, he shall represent such stocks or deposits, and may vote accordingly.

Minors' receipts for deposits valid. 3540. SEC. 15. Whenever any deposit shall be made by any minor, the Directors of said corporation shall pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed by or for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt, or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor. And whenever any deposit shall be made in her own name by any woman Deposits, to whom paid. being, or thereafter becoming married, said Directors shall pay such sums as may be due to her on her own receipt or acquittance; and any person authorized thereto, by resolution of the Board of Trustees or Directors of any corporation, association, or society having funds deposited, or owning stock in any corporation formed under this Act, shall be entitled to receive such deposit, or transfer such stock, and to cast the vote of such corporation, association, or society.

Annual statement to be published. 3541. SEC. 16. Every corporation incorporated or doing business under the provisions of this Act shall cause to be published annually, once a week for at least six successive weeks, in one public newspaper printed in the county in which such corporation may be located, a true and accurate statement of all depositors who shall have deposits, dividends, or interest to their credit on the books of said corporation, and concerning whom at the date of such statement the officers of the corporation shall have had no knowledge during the two years next preceding such date; such statement shall contain the name, residence, and occupation, if known, of the person making the deposit, or in whose favor the dividend was declared, and in all cases so published the expense of advertising shall be deducted from the sums unclaimed, in proportion to the amount of each respectively.

Capital stock, etc. 3542. SEC. 17. Corporations formed for the purpose designated in section one of this Act may have a capital stock, and may issue certificates to represent shares of such capital stock; *provided*, that the certificate directed by the second section of this Act to be executed and filed shall also contain a statement of the amount of such capital stock and number of shares of which it shall consist. The rights and privileges to be accorded to such capital stock, as distinct from those to be accorded to depositors, and the obligations to be imposed upon it in the same relation, shall be fixed by the by-laws.

Unlawful to divide or reduce capital stock.

3543. SEC. 18. It shall not be lawful for the Directors to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock, nor to reduce the amount of the same.

How capital stock may be increased.

3544. SEC. 19. Whenever it is desired to increase the amount of the capital stock, a meeting of stockholders may be called by a notice signed by at least a majority of the Directors, and published at least sixty days in every issue of some newspaper published in the county where the principal place of business of the company is located, which notice shall specify the object of the meeting, the time and place where it is to be held, and the amount to which it is proposed to increase the capital stock, and a vote of two thirds of all the shares of stock represented at the meeting shall be necessary to an increase of the amount of capital stock.

Certificate to be filed.

3545. SEC. 20. If, at any meeting so called, a sufficient number of votes has been given in favor of increasing the amount of capital stock, a certificate of the proceedings showing a compliance with these provisions, the amount of the capital actually paid in, and the amount to which the capital stock is to be increased, shall be made out, signed, and verified by the affidavit of the Chairman and Secretary of the meeting, certified by a majority of the Directors, and filed as required by the second section of this Act. When so filed the capital stock of the corporation shall be increased to the amount specified in the certificate.

Stock deemed personal estate.

3546. SEC. 21. The stock of the company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws.

Certificate of stock not to issue until money paid.

3547. SEC. 22. No certificate representing shares of stock shall be issued, nor shall such stock be considered as acquired until the whole sum of money which such certificate purports to represent shall have been paid into the corporation.

May pledge stock.

3548. SEC. 23. Any stockholder may pledge his stock by a delivery of the certificate or other evidence of his interest, but may nevertheless represent the same at all meetings and vote as a stockholder.

Corporation, how dissolved.

3549. SEC. 24. Any corporation formed under this Act may dissolve and disincorporate itself by presenting to the County Judge of the county in which the principal place of business of the company is situated as named in the certificate of incorporation, a petition to that effect, setting forth the reason therefor, signed by all the Directors of the corporation. Notice of application shall then be given by the Clerk, which notice shall set forth the nature of the application, and shall specify the time and place at which such application shall be heard, and shall be published in every regular issue of some newspaper in the county where the application is to be heard, for at least three months, and if no newspaper is published in the county where the application is made, then such notice shall be posted up at least thirty days previous to the time when such application is to be heard, in three public places in said county, one of

Hearing of application

which shall be the Court House of said county. At the time and place appointed, or at any other time to which it may be postponed by the Judge, he shall proceed to consider the application, and if satisfied that the members and stockholders of the corporation will be benefited thereby, and that no indebtedness of the corporation exists other than to depositors who have not demanded their deposits, he shall enter an order declaring it dissolved. The hearing of such application for dissolution shall not be had by the Judge until after the expiration of twenty days from and after the last publication of the notice aforesaid. After filing the petition for dissolution no more deposits shall be received nor certificates of stock be issued by the officers of the corporation.

Upon dissolution, Directors to be Trustees. Powers, etc. Unclaimed deposits to be paid into State Treasury. How accounted for. Receipt.

3550. SEC. 25. Upon the dissolution of any corporation formed under this Act, the Directors, at the time of the dissolution, shall be Trustees for the members and others interested in the corporation dissolved, and shall have full power and authority to sue for and recover the debts due to and property of the corporation, settle all of its affairs, and divide among the members and stockholders in such proportion as the by-laws shall direct. The money and other property that shall remain after the payment of all the expenses, and all unclaimed deposits and the interest accruing thereon, and unclaimed shares and money due thereon not called for within thirty days after the collection of all solvent indebtedness, shall be paid by the said Trustees into the State Treasury, accompanied by a statement setting forth the time that such deposits were made, or such share acquired by the person holding the same at the time of such dissolution, and the name and residence, if known, of the person making or holding the same, the amount of such deposit or shares, and also of the dividends not called for, and the name of the person or persons to whom the deposit, or stock, or the dividends belong, if known. All amounts of unclaimed dividends and deposits paid into the State Treasury as aforesaid, shall be received, invested, and accounted for and paid out in the same manner and by the same officer as is provided by law concerning escheated estates. Upon such payment by the said Trustees, the State Treasurer shall give to them a receipt for the amount so paid in, which shall fully discharge them from all liability to such depositors or stockholders.

Misnomer not to impair instrument.

3551. SEC. 26. The misnomer of any such corporation in any instrument shall not vitiate or impair the same if it be sufficiently described to ascertain the intention of the parties.

Corporations may avail themselves of this Act.

3552. SEC. 27. All corporations for the accumulation, preservation, and investment of funds and savings, all savings and loan societies, and all associations or societies for the like purpose, claiming in good faith to be incorporated under the laws of this State, may avail themselves of the provisions of and become incorporated under this Act, by filing with the County Clerk of the county in which their principal place of business is located, and a certified copy thereof in the office of the Secretary of State, a certificate stating their intention and election to become so incorporated, which intention and election may be made and declared by the Trustees or acting Trustees of such corporation, association, or society, or a majority thereof. The certificate stating such intention and election shall be signed by the President and Secretary of such corporation, association, or society, and shall be acknowledged before some officer competent to take the acknowledgment of deeds. Such certificate shall in other respects conform to the requirements of this Act. Certificate.

3553. SEC. 28. All Acts and parts of Acts in conflict with the provisions of this Act are hereby declared to be inoperative so far as they affect this Act. Acts declared inoperative

CHAPTER CXXV.

OF THE INCORPORATION OF HISTORIC, SCIENTIFIC, AND OTHER LITERARY SOCIETIES.

SECTION 3554. Corporations may be created.
3555. How formed.
3556. Certificate of.
3557. Powers and privileges.
3558. Election of Directors.
3559. Failure to elect, etc.; majority necessary to transact business.
3560. Notice of first meeting.
3561. Not to contract indebtedness to exceed one thousand dollars.

An Act to provide for the organization and maintenance of historic, scientific, and other literary societies.

[Approved March 20, 1865, p. 409.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3554. SECTION 1. Corporations may be created for the organization and maintenance of historic, scientific, and other literary societies designed to promote the diffusion of useful knowledge. Corporations may be created.

3555. SEC. 2. Any five or more persons, who may desire to form an association for any one or more of the purposes specified in the preceding section, may make, sign, and acknowledge, before some officer authorized by law to take the acknowledgment of deeds, and file in the office of the Secretary of State, and also file a copy thereof in the Recorder's office of the county in which the meeting is held, and the general business of such association or society is to be transacted, a certificate, in which shall be stated the corporate name of the society or association, the objects for which the same shall be formed, the How formed.

time of its existence—which shall not exceed fifty years—the number of Directors and their names, who shall manage the business of the society or association for the first six months, and the name of the city or town in which the principal business of the society or association is to be transacted. The Directors of any such society or association shall not be more than five nor less than three.

Certificate of.

3556. SEC. 3. A copy of any certificate of incorporation, filed in pursuance of this Act, and certified by the Secretary of State, or the Recorder of the county in which the same may be filed, as provided in the foregoing section, shall be received in all Courts and places as prima facie evidence of the matter therein stated.

Powers and privileges.

3557. SEC. 4. When the certificate and copy thereof shall have been filed, as hereinbefore provided, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, in fact and in name, by the name stated in the certificate, and by that name have succession for the period limited, and shall have power: First—To sue and be sued, and prosecute and defend in any Court. Second—To devise, adopt, and use a seal, and change the same at pleasure. Third—To purchase, accept by grant, gift, or devise, hold, sell, and convey, such real and personal property, or estate, as the purpose of the society or association shall require. Fourth—To appoint, or elect, and remove such officers, agents, and servants, as the business of the society or association may require, to define their powers, prescribe their duties, and fix their compensation. Fifth—To make by-laws, not inconsistent with the Constitution and laws of this State, for the transaction of the business of such society, or association, the management of its property, the regulation of its affairs, the admission and expulsion of members, and generally for the transaction of all such business as may be within the scope of its organization and original design.

Election of Directors.

3558. SEC. 5. Directors, after the expiration of the term first selected and named in the certificate of such organization, shall be annually elected by the members of such society or association, at such time and place, and upon such notice and in such mode, as may be directed by its by-laws.

Failure to elect, etc.

3559. SEC. 6. If it should happen, at any time, that an election of Directors shall not be made on the day designated by the by-laws of the society or association, the corporation shall not, for that reason, be dissolved, but it shall be lawful, on any other day, to hold an election for Directors, in such manner as shall be provided in the by-laws of the society or association; and all acts of the Directors shall be valid and binding on the society or association, until the election and qualification of their successors. A majority of the whole number of Directors shall form a Board for the transaction of business, and a majority of the whole number of members of the society or association, represented in person or by proxy, shall be necessary to transact business; and any decision of a majority of the persons assembled as a Board, or as a meeting of the society or association, shall be valid.

Majority necessary to transact business.

3560. SEC. 7. The first meeting of the Directors shall be called by a notice signed by a majority of the persons named as Directors, in the certificate setting forth the time and place of the meeting, which notice shall be given personally to each Director, or published at least one week in some newspaper of the county where such meeting is to be held. Notice of first meeting.

3561. SEC. 8. No such association or society shall ever contract indebtedness which, in the aggregate, shall exceed the sum of one thousand dollars over and above the assets of such association or society; and no corporation or association, organized under this Act shall, by any implication or construction, be deemed to possess the power of issuing bills, notes, or other evidence of debt, for circulation as money. Not to contract indebtedness to exceed one thousand dollars.

CHAPTER CXXVI.

OF THE INCORPORATION OF RELIGIOUS, CHARITABLE, SCIENTIFIC, AND OTHER ASSOCIATIONS.

SECTION 3562. Churches, etc., may incorporate.
3563. Trustees, certificate of appointment of.
3564. Acknowledgment of certificate.
3565. Powers of Trustees.
3566. Real estate, sale of; mortgage; order subject to rehearing.
3567. Lands, etc., to descend.
3568. Limitation of; provisos.
3569. Trustees to make annual report.
3570. Repeal; proviso.

An Act to provide for the incorporation of religious, charitable, literary, scientific, and other associations.

[Approved March 2, 1867, p. 70.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3562. SECTION 1. It shall be lawful for all churches, congregations, religious, moral, beneficial, charitable, literary, or scientific associations or societies, by such rules or methods as their rules, regulations, or discipline may direct, to appoint or elect any number, not less than three nor more than fifteen, as Trustees or Directors, to take charge of the estate and property belonging thereto, and to transact all affairs relative to the temporalities thereof. Churches, etc., may incorporate.

3563. SEC. 2. Upon the appointment or election of such Trustees or Directors, a certificate of such appointment or election shall be executed by the person or persons making the ap- Trustees, certificate of appointment of.

pointment, or the Judges holding the election, or the Secretary of the association or society, stating the names of the Trustees or Directors. The name by which the association or society shall thereafter forever be called and known, shall be particularly mentioned and specified. [Amended 1873, p. 102.]

Acknowledgment of certificate.

3564. SEC. 3. Such certificate shall be acknowledged by the person making the same, or proved by a subscribing witness thereto, before some officer authorized to take acknowledgments of deeds, and recorded, together with the certificate of such acknowledgment or proof, by the Clerk of the county within which such church, congregation, religious, moral, beneficial, charitable, literary, or scientific society or association shall be situated.

Powers of Trustees.

3565. SEC. 4. Such Trustees or Directors may have a common seal, and may alter the same at pleasure; they may take into their possession and custody all the temporalities of such corporation, whether given, granted, or devised, directly or indirectly, to such society or association, or to any person or persons, for their use; they may sue and be sued, may receive and hold all the debts, demands, rights, and privileges; all churches, burying places, halls, school houses, hospitals, or other buildings; all the estates and appurtenances belonging to such association or society; they may have, lease, and improve the same, erect all houses or buildings that are necessary to carry out the objects of the society or association, and perform all duties imposed on them by the regulations, rules, or discipline of such organization.

Real estate, sale of.

3566. SEC. 5. The District Court of the county in which any such association or corporation shall have been constituted, on application by petition of the Trustees thereof, if they shall deem it proper and beneficial to such association or corporation, shall make an order for the sale of any real estate belonging to such association or corporation, and direct the application of the moneys arising from such sale to such uses as the said association or corporation, with the approval of such Court, shall deem to be for the best interests of such association or corporation; and in like manner such Court may make an order authorizing such association or corporation to mortgage any of its real estate for such purposes as shall appear to be for the interest or benefit thereof. Any order made pursuant to the provisions of this section shall be subject to rehearing and to appeal to the Supreme Court, as in other civil cases; but a party having the right of such appeal may waive the same by filing such waiver in writing, and on filing the same the right to appeal shall no longer exist.

Mortgage.

Order subject to rehearing.

Lands, etc., to descend.

3567. SEC. 6. All lands, tenements, and hereditaments that have been, or may hereafter be, lawfully conveyed by devise, gift, grant, purchase, or otherwise, to any persons or Trustees in trust for the use of any such organization, shall descend, with the improvements, in perpetual succession to, and shall be held by such Trustees in trust for, such organization.

Limitation of.

3568. SEC. 7. The real estate held by such association or corporation shall in no case exceed one block in any town or city, and ten acres in the country; nor shall any portion thereof used for ordinary business purposes, and connected with the objects of such association or corporation, or rented for profit, be exempted from taxation; *provided*, that the Grand Lodges of the orders of Free and Accepted Masons, and of the Independent Order of Odd Fellows, and subordinate Lodges thereof, may acquire and hold such real and personal property as may be deemed necessary by the proper authorities thereof to carry out their charitable, educational, or ceremonial objects; and such association or corporation may sue and be sued, and have such other general powers as are by the laws of this State granted to corporations; *and, provided further*, that all real and personal property owned by such association or corporation prior to the passage of this Act, notwithstanding any of the provisions thereof, may be still held, owned, and enjoyed by them. **Provisos.**

3569. SEC. 8. It shall be the duty of said Trustees annually to make a full report of all property, real and personal, held in trust by them, and the condition of the corporation, to the society or association by which they have been appointed or elected, a copy of which report shall be filed in the County Clerk's office, where the original certificate is filed, with an affidavit of the truth of such report, and also that such association or corporation has not been engaged, directly or indirectly, in any other business than such as is set forth in the original certificate on file. **Trustees to make annual report.**

3570. SEC. 9. An Act entitled an Act to provide for the incorporation of religious, charitable, literary, scientific, and other associations, approved December nineteenth, eighteen hundred and sixty-two, is hereby repealed; *provided*, that all associations or corporations formed under said Act shall remain in force, and hold all rights acquired thereby, under this Act. **Repeal.** **Proviso.**

CHAPTER CXXVII.

OF THE INCORPORATION OF THE PROTESTANT EPISCOPAL CHURCHES.

SECTION 3571. Corporate name.
3572. Church Wardens and Vestrymen, how elected.
3573. Vestry.
3574. Annual election of Wardens, etc.; vacancies, how filled; Rector to preside, etc.; majority of Trustees to form a Board.
3575. Election.
3576. Duty of Trustees.
3577. Sale of real estate.
3578. Annual income.
3579. Churches organized before passage of this Act.

An Act for the incorporation of the Protestant Episcopal Churches in the United States of America in the Territory of Nevada.

[Approved December 19, 1862, p. 69.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

Corporate name.

3571. SECTION 1. The corporate name and style of any church or religious congregation in communion with the Protestant Episcopal Church, incorporated under this Act, shall be "The Rector, Church Wardens, and Vestrymen of —— Church, in ——."

Church Wardens and Vestrymen, how elected

3572. SEC. 2. It shall be lawful for the male persons, of full age, of any church or congregation in communion with the Protestant Episcopal Church, in this State, who shall have belonged to such church or congregation for the last six months preceding such election, and who shall have been baptized in the Episcopal Church, or who shall have been received therein, either by the rite of confirmation, or by receiving the holy communion, or by purchasing or hiring a pew or seat in said church, or by some joint act of the parties and of the Rector whereby they shall have attached themselves to the Protestant Episcopal Church, and who are not already incorporated, at any time to meet for the purpose of incorporating themselves under this Act, and by a majority of voices, to elect two Church Wardens, and not less than three nor more than twelve Vestrymen, and to determine upon what day of the week called Easter Week the said officers, called Church Wardens and Vestrymen, shall annually thereafter cease, and their successors in office be chosen; of which first election, notice shall be given, in the time of morning service, on two Sundays previous thereto, by the Rector; or, if there be none, or he be necessarily absent, then by any other person belonging to such church or congregation; and the said Rector, or if there be none, or he be necessarily absent, then any other person called to the Chair, shall preside at such first election, and, together with two other persons duly selected, shall make a certificate, under their hands and seals, of the Church Wardens and Vestrymen so elected, of the day of Easter week so fixed upon for the annual election of their successors, and of the name or title by which such church or congregation shall be known in law; which certificate, being duly acknowledged and proved by one or more of the subscribing witnesses, before the Judge of any Court of competent jurisdiction in the county where such church or place of worship of such congregation shall be situated, shall be recorded in the office of the Recorder of such county.

Vestry.

3573. SEC. 3. The Rector, together with the Church Wardens and Vestrymen so elected, or, if there be no Rector, then such Church Wardens and Vestrymen shall form a Vestry, and be the legal Trustees of such church or congregation, and such Trustees and their successors shall be a body corporate, under the name and style expressed in the certificate.

3574. SEC. 4. The persons qualified as aforesaid shall in every year thereafter, on the day in Easter week fixed upon for such purpose, elect the Church Wardens and Vestrymen, and whenever any vacancy shall happen before the stated annual election, either by death or otherwise, among such Church Wardens or Vestrymen, the Trustees may appoint a time for holding an election to supply such vacancy, of which notice shall be given in the time of divine service, at least ten days previously thereto; and such election, as well as the stated annual election, shall always be holden immediately after the morning service of the church. At all such elections the Rector, or, if there be none, or he be absent, one of the Church Wardens or Vestrymen, shall preside and receive the votes of the electors, and shall be the returning officer, and shall enter the proceedings of the election in the book of the minutes of the vestry, and sign his name thereto, and offer the same to as many of the electors present as he shall deem proper, to be by them also signed and certified to. And the Church Wardens and Vestrymen chosen at any of the said elections shall hold their offices until the expiration of the year for which they shall be elected or chosen, and until others shall be elected in their stead; and they shall have power to call and induct a Rector to such church or congregation as often as there shall be a vacancy therein. A majority of the whole number of Trustees, one at least of whom shall be a Church Warden, shall form a Board for the transaction of business, and every decision of a majority of the persons duly assembled as a Board shall be valid as a corporate act. And at all meetings of the Board of such Trustees, the Rector, if there be one, and he be present, and if there be not, or he be absent, then a Church Warden, shall preside, and shall have a casting vote; *provided*, however, that no special meeting of the Board other than a regular monthly meeting, which may be provided for by standing resolution, shall be held, unless at least three days' notice thereof shall be given in writing, under the hand of the Rector or one of the Church Wardens; and that at any such special meeting no such Board shall be competent to transact any business unless the Rector, if there be one, be present. [As amended February 23, Stats. 1869, p. 76.]

Annual election of Wardens, etc.

Vacancies, how filled.

Rector to preside, etc.

Majority of Trustees to form a Board.

3575. SEC. 5. Any election held in the manner provided for in this Act, at any time other than that hereinbefore specified, shall not be deemed to invalidate its Act of incorporation.

Election.

3576. SEC. 6. The Trustees of every church or congregation hereinabove mentioned, and their successors, shall, respectively, have and use a common seal, and may renew and alter the same at their pleasure, and are hereby authorized and empowered to take into their possession and custody all the temporalities belonging to such church, congregation, or society, whether the same consists of real estate, or of personal estate, and whether the same shall have been given, granted, or devised, directly to such church or congregation, or to any person or persons for their use; and also, by their corporate name or title, to mortgage real or personal property, to sue and be sued in all Courts of law and equity, and to recover, hold, and enjoy all the debts, demands, rights, and privileges, and all

Duty of Trustees.

Same. churches, rectories, and burial places, with the appurtenances, and all estates belonging to such church or congregation, in whatsoever manner the same may have been acquired, or in whosesoever name the same may be held, as fully and amply as though the right or title thereto had originally been vested in the said Trustees; and also to purchase and hold other real and personal property, and to devise, lease, and improve the same for the use of such church or congregation, or for other pious uses; *provided*, that the entire real and personal property shall not exceed the annual value of ten thousand dollars. They shall also have power to build churches, rectories, school houses, and other buildings for the use of such church or congregation, and to repair and alter the same; to make rules and orders for managing the temporal affairs of such church or congregation, and to dispose of all moneys belonging thereto, and to regulate and order the renting of pews in their churches; to have control over all matters pertaining to their burial places; to appoint a Clerk and Treasurer of their Board, and a Collector to collect and receive all rents and revenue due them, and to regulate the fees to be allowed to such officers, and them, or either of them, to remove at pleasure, and appoint others in their stead; and such Clerks shall enter all rules and orders made by such Trustees, and payments made by them, in a book to be kept for that purpose.

Sale of real estate. 3577. SEC. 7. It shall be lawful for any Court of competent jurisdiction, upon the application of any religious corporation, in case the Judge thereof shall deem it proper, to make an order for the sale of any real estate belonging to the corporation, and to direct the application of the moneys arising therefrom by the said corporation to such uses as the corporation, with the consent and approbation of the Court, shall conceive to be the most for the interest of the church or congregation to which the real estate so sold did belong.

Annual income. 3578. SEC. 8. When the annual income of the real or personal estate of any church or congregation, incorporated under this Act, shall exceed in value the sum of ten thousand dollars, the Treasurer of such church or congregation shall make a report, subscribed to under oath that the said report is correct, and file such report with the Auditor of the county in which the church or congregation is situated, and shall pay over to the County Treasurer, for the benefit of the Common School Fund, any excess over and above the said sum of ten thousand dollars; and any violation of the provisions of this section shall be deemed a forfeiture of all rights and privileges held under this Act.

Churches organized before passage of this Act. 3579. SEC. 9. Any church or congregation, organized by the election of a Vestry before the passage of this Act, may avail itself of the provisions of this Act by filing with the County Clerk a certificate, setting forth its corporate name, the names of its Church Wardens and Vestrymen, the day in Easter week on which all future elections shall be held, and by complying with the conditions specified in the second section of this Act in the matter of elections hereafter to be held.

CHAPTER CXXVIII.

OF THE INCORPORATION OF FREE MASON, ODD FELLOW, AND GOOD TEMPLAR LODGES, AND THE ANCIENT ORDER OF HIBERNIANS.

SECTION 3580. Masonic and Odd Fellows' Grand and subordinate Lodges, how incorporated.
3581. Powers granted.
3582. Powers vested in a Board of Trustees.
3583. Certificate of election or appointment of Trustees.
3584. Property of subordinate Lodge to revert to Grand Lodge when dissolved; proviso.
3585. Duty of Board of Trustees.

INCORPORATION OF THE GRAND LODGE OF GOOD TEMPLARS AND ITS SUBORDINATE LODGES.

3586. Provisions of law made applicable to incorporation of.

ANCIENT ORDER OF HIBERNIANS.

3587. Lodges incorporated.
3588. Corporate powers.
3589. Board of Trustees, terms of office; vacancies; bonds.
3590. Certificate of election of Trustees.
3591. Division of property on dissolution.
3592. Reports of Boards of Trustees.

An Act to incorporate the Grand Lodge of Free and Accepted Masons, the Grand Lodge of the Independent Order of Odd Fellows, and their subordinate Lodges in this State.

[Approved March 3, 1865, p. 188.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Masonic and Odd Fellows' Grand and subordinate Lodges, how incorporated.

3580. SECTION 1. The Grand Lodge of the Ancient Order of Free and Accepted Masons in the State of Nevada, and its subordinate Lodges, and the Grand Lodge of the Independent Order of Odd Fellows, and its subordinate Lodges, shall be deemed bodies corporate and politic; the Grand Lodges, from the date of their organization and by their corporate names; the Lodges subordinate thereto, from the date of their charters from their respective Grand Lodges, or from the date of their resolutions filed with their respective Grand Secretaries that they have become subordinate thereto. [As amended March 11, Stats. 1867, p. 102.]

Powers granted.

3581. SEC. 2. The said Grand Lodges, and their subordinate Lodges, shall have power in their corporate capacity: First—To sue or be sued in any Court having competent jurisdiction. Second—To make and use a common seal, and to alter the same at pleasure. Third—To acquire by purchase, bequest, or donation, directly or indirectly, hold in perpetuity, sell and convey such property, real and personal, as may be deemed necessary by the proper authorities thereof, to carry out the charitable purposes of said Grand Lodges, or the subordinate Lodges thereof; or for the establishment and endowment of a college, school or schools, hospital or hospitals, cemetery or cemeteries, in said State; and for the necessary uses, purposes, and ceremonies of said Order. Fourth—To elect or appoint, according to their respective regulations and customs, not less than three nor more than fifteen persons to serve as Trustees, who shall have charge of all the real and personal property belonging thereto, and transact all business relative thereto. Fifth—And generally be entitled to all the rights, privileges, and immunities, usually had or enjoyed by such corporations.

Powers vested in a Board of Trustees.

3582. SEC. 3. The corporate powers of said Grand and subordinate Lodges shall be vested in a Board of Trustees, elected or appointed as provided in section one of this Act, said Board being subject to such rules and regulations as may be adopted, according to the uses and customs of said Orders, for the government of said Boards of Trustees. They shall hold office until their successors are appointed or elected, and the certificate filed, as provided in section four of this Act. Vacancies in the Board of Trustees shall be filled as provided by the regulations of said Grand or subordinate Lodges. Said Trustees shall give such bonds as may be required of them, conditioned for the faithful performance of their duties.

Certificate of election or appointment of Trustees.

3583. SEC. 4. Upon the election or appointment of Trustees, as provided in this Act, a certificate of such election or appointment shall be executed by the Secretary of the Lodge making the appointment, duly acknowledged before a competent officer, and shall be filed in the office of the Clerk of the county in which the subordinate Lodge is located, or in the case of the Grand Lodges, in the office of the Secretary of State. [As amended March 11, Stats. 1867, p. 102.]

Property of subordinate Lodge to revert to Grand Lodge when dissolved.

3584. SEC. 5. Where any subordinate Lodge hereby incorporated shall be dissolved by its own act, or the forfeiture of its charter, according to the rules, regulations, Constitution, or customs of the Grand Lodge to which it is subordinate, the property, real and personal, belonging to said subordinate Lodge, shall revert to and become the property of the Grand Lodge of which it was a subordinate Lodge, subject to the conditions of any bequest or grant under or through which said subordinate Lodge became the owner of said property; *provided*, that all just and equitable indebtedness of said subordinate Lodge shall be paid before said reversion, and that the said Grand Lodges shall not be liable for any indebtedness of any of its subordinate Lodges.

Proviso.

Duty of Board of Trustees.

3585. SEC. 6. It shall be the duty of the said Board of Trustees, annually, to make a full report of all property, real and personal, held in trust by them, and the condition of the corporation, to such Grand or subordinate Lodge, a copy of which shall be filed in the office in which, according to section four, their certificate of election or appointment has been filed, with an affidavit of the truth of said report.

An Act to provide for the incorporation of the Grand Lodge of the "Independent Order of Good Templars," and its subordinate Lodges.

[Approved February 16, 1869, p. 66.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3586. SECTION 1. All the provisions contained in an Act entitled "An Act to incorporate the Grand Lodge of Free and Accepted Masons, the Grand Lodge of the Independent Order of Odd Fellows, and their subordinate Lodges in this State," approved March third, eighteen hundred and sixty-five, and in the Act amendatory thereof, approved March eleventh, eighteen hundred and sixty-seven, are hereby made applicable to the incorporation of the Grand Lodge of the Independent Order of Good Templars and its subordinate Lodges. **Provisions of law made applicable to incorporation of.**

An Act to incorporate the Ancient Order of Hibernians.

[Approved February 25, 1873, p. 91.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3587. SECTION 1. The Lodges of the Ancient Order of Hibernians, located in the State of Nevada, shall be deemed bodies corporate and politic. **Lodges incorporated.**

3588. SEC. 2. The said Lodges of the Ancient Order of Hibernians shall have power in their corporate capacity: **Corporate powers.**

First—To sue, or be sued, in any Court having competent jurisdiction.

Second—To make and use a seal, and to alter the same at pleasure.

Third—To acquire by purchase, bequest, or donation, directly or indirectly, hold in perpetuity, sell and convey such property, real or personal, as may be deemed necessary by the proper authorities thereof to carry out the charitable purposes of said Lodges, or for the establishment and endowment of a school or schools, hospital or hospitals, cemetery or cemeteries, in said State, and for the necessary uses, purposes, and ceremonies of said Order.

Fourth—To elect or appoint, according to their respective regulations and customs, not less than three nor more than fifteen persons to serve as Trustees, who shall have charge of all real and personal property belonging thereto, and transact all business relative thereto.

Fifth—And generally be entitled to all the rights, privileges, and immunities usually had or enjoyed by such corporations.

Board of Trustees, terms of office.

3589. SEC. 3. The corporate powers of said Lodges of the Ancient Order of Hibernians shall be vested in Boards of Trustees, elected or appointed, as provided in section two of this Act; such Boards being subject to such rules and regulations as may be adopted according to the rules and customs of said Orders or Lodges for the government of said Boards of Trustees. They shall hold office until their successors are appointed or elected, and the certificate filed, as provided in section four of this Act. Vacancies in the Board of Trustees shall be filled as provided by the regulations of said Lodges. Said Trustees shall give such bonds as may be required of them, conditioned for the faithful performance of their duties.

Vacancies.

Bonds.

Certificate of election of Trustees.

3590. SEC. 4. Upon the election or appointment of Trustees, as provided in this Act, a certificate of such election or appointment shall be executed by the person or persons making the appointment, or the Judges holding the election, duly acknowledged before a competent officer, and shall be filed and recorded in the office of the Clerk of the county in which such Order or Lodge is located; or, in case of Grand Lodges, in the office of the Secretary of State.

Division of property on dissolution.

3591. SEC. 5. Where any Lodge or Order, incorporated under the provisions of this Act, shall disincorporate or disband by their own act, the proceeds of all property, real or personal, shall, after paying all just dues or demands against such Lodge or Order, be divided pro rata among the charitable institutions of the county where such Lodge or Order be located.

Reports of Boards of Trustees.

3592. SEC. 6. It shall be the duty of said Boards of Trustees, annually or semi-annually, accordingly to their terms of office, to make a full report of all property, real and personal, held in trust by them, and the conditions of the corporation, a copy of which shall be filed in the office in which, according to section four, their certificate of election has been filed, with an affidavit of the truth of said report.

CHAPTER CXXIX.

OF THE INCORPORATION OF HOSPITALS OR ASYLUMS.

SECTION 3593. Hospitals and asylums, how incorporated.
3594. Articles, what to contain and declare.
3595. Board of Trustees; proviso; Trustees to choose other officers, etc.

SECTION 3596. May hold real and personal property; proviso.
3597. Trustees not entitled to compensation.
3598. Funds of corporation, how used, etc.
3599. Asylum building exempt from taxation.
3600. Corporation to report to County Commissioners and Legislature.

An Act for the incorporation of hospitals or asylums in certain cases.

[Approved March 4, 1867, p. 79.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3593. SECTION 1. In all cases where lands or any other property, amounting in value to one thousand dollars or upward, have been or shall hereafter be given, granted, devised, or bequeathed to one or more Trustees, or persons acting in the capacity of Trustees, for the purpose of founding or endowing a hospital, or other charitable asylum, within this State, for the care or relief of orphan children, or of sick, infirm, or indigent persons, and it shall, for the more effective and perfect administration of such trust, be deemed expedient by such Trustees to organize themselves as a corporation; then the Trustees, or persons acting as Trustees in whom said lands, or other property, are for the time being invested, may become incorporated, by executing under their hands, and acknowledging before some person in this State authorized to take the acknowledgment of deeds, duplicate articles of incorporation, one of which shall be filed in the office of the Secretary of State, and one recorded in the Clerk's office of the county in this State in which the office of such incorporation or association may be located, and upon the execution and acknowledgment of such articles, the signers thereof shall become and be a body politic and corporate, for the object and purposes set forth in said articles; and they, their successors and associates, shall continue to be such body corporate and politic, and may sue and be sued, take, hold, and convey real and personal estate, subject to the limitations hereinafter contained; may adopt a common seal, and change the same, and may exercise all the powers, and shall be subject to all the responsibilities by law conferred and imposed. **Hospitals and asylums, how incorporated.**

3594. SEC. 2. Said articles shall contain and declare: **Articles, what to contain and declare.**

First—The name of such corporation, the city, town, or county in which such hospital or asylum is, or is to be located, and the period for which it is incorporated.

Second—The objects of said corporation, which shall be stated with all the convenient fullness and certainty.

Third—The names of the Trustees thereby incorporated.

Fourth—The number of persons who shall constitute the permanent Board of Trustees of such corporation, the mode of the election or appointment of the first Board of Trustees, the time for which the Trustees shall be elected or appointed, and the mode in which their successors shall be elected or appointed.

Fifth—Such other officers of the corporation as may be deemed necessary.

Sixth—The time of holding the annual meeting.

Board of Trustees. Proviso. Trustees to choose other officers, etc.

3595. SEC. 3. The affairs of said corporation shall be managed by a Board of Trustees, not less than three nor more than fifteen in number, who shall be chosen or appointed in such manner as is fixed in the articles of the incorporation; such Trustees shall hold for the term or time in such articles fixed, and until their successors are chosen; *provided*, that when the number of Trustees, and the mode of the appointment of their successors, is fixed in the deed, will, or other instrument of the original founder, the provisions relating thereto shall govern in said corporation, so far as consistent with the laws of this State. The other officers of said corporation shall be chosen by the Trustees from their own numbers or otherwise, as the Trustees shall determine. A majority of such Trustees shall form a quorum, and may make by-laws, and alter the same, for the more orderly transaction of their business, and for the regulation of the care or relief to indigent and other sick and infirm persons. As soon as such corporation shall be duly organized, the individual Trustees, who hold or possess the lands or other property so given, granted, devised, or bequeathed, shall forthwith convey and deliver the same to such corporation, by deed or other proper mode of transfer, and said corporation shall, thereupon and thereafter, hold, possess, and enjoy the same to the same extent, and for the same purposes, as designed and declared by the original donor.

May hold real and personal property. Proviso.

3596. SEC. 4. Such corporation may, by gift, grant, devise, or bequest, take, receive, and hold any property, real or personal, but only for the purposes for which it is incorporated; *provided*, that said corporation shall not hold any lands except such as shall be necessary for the direct and reasonable use or convenience of its hospital or asylum, for a longer period than ten years.

Trustees not entitled to compensation.

3597. SEC. 5. No Trustees of said corporation shall be entitled to any compensation, except under some special employment by the Board, or authority expressed in the original deed or instrument of trust.

Funds of corporation, how used, etc.

3598. SEC. 6. All the funds of said corporation shall be faithfully and exclusively used for the purposes thereof, as set forth in its articles, and the same shall be wholly used within this State. Said corporation may invest its funds by loan, on mortgaged security, or by purchase of any city, county, State, or United States bonds, or by loan on pledge of the same; *provided*, that no loan of such funds shall be made to any Trustee, officer, or servant of such corporation.

Asylum building exempt from taxation.

3599. SEC. 7. The property on which said asylum or institution building stands, together with said buildings, shall, while occupied for the objects and purposes thereof, be exempt from taxation.

Corporation to report to County Commissioners and Legislature

3600. SEC. 8. Such corporation shall report yearly to the County Commissioners of the county wherein such corporation is situated, and biennially to the Legislature, a full statement of its affairs, under the oath of one or more of its Trustees; and for any neglect so to report when required, each one of its officers, and all of the Trustees so neglecting, shall be liable to a penalty of five hundred dollars each, to be recovered by action of debt, in the name of the people of the State of Nevada.

For incorporation of Fireman's Charitable Fund Association of Virginia City, see Stats. 1864, p. 96.

CHAPTER CXXX.

OF THE INCORPORATION OF RURAL CEMETERY ASSOCIATIONS.

SECTION 3601. Associations, how formed.
3602. File a certificate.
3603. Powers of association.
3604. Cemetery.
3605. Election of Trustees.
3606. Trustees to make annual report.
3607. Powers of association.
3608. Penalty for willful injury to cemetery.
3609. Embellishing, etc.
3610. Exempted from taxation.
3611. Laid off in lots; provisos.
3612. Former purchases.

An Act to authorize the incorporation of rural cemetery associations.

[Approved March 1, 1865, p. 176.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Associations, how formed.

3601. SECTION 1. Any number of persons residing in this State, not less than three, who shall desire to form an association for the purpose of procuring and holding lands, to be used exclusively for a cemetery, or place for the burial of the dead, may meet at such time and place as they, or a majority of them, may agree, and appoint a Chairman or Secretary, by a vote of a majority of the persons present at the meeting, and proceed to form an association, by determining on a corporate name by which the association shall be called and known, by determining on the number of Trustees to manage the concerns of the association, which number shall not be less than three nor more than six, and thereupon may proceed to elect by ballot the number of Trustees so determined on; and the Chairman and Secretary shall, immediately after such election, divide the Trustees by lot into three classes, those in the first class to hold their office for one year, those in the second class two years, those in the third class three years; but the Trustees of each class may be reëlected, if they shall possess the qualifications hereinafter mentioned. The meeting shall also determine on what day in each year the future annual election of Trustees shall be held. [As amended March 15, Stats. 1865, p. 407.]

File a certificate.

3602. SEC. 2. The Chairman and Secretary of the meeting shall, within three days after such meeting, make a written certificate and sign their names thereto, and acknowledge the same before an officer authorized to take proof and acknowledgment of conveyances in the county where such meeting shall have been held, which certificate shall state the names of the associates determined upon by the majority of the persons who met, the number of Trustees fixed on to manage the concerns of the association, the names of the Trustees chosen at the meeting and their classification, and the day fixed on for the annual election of Trustees, which certificate it shall be the duty of the Chairman and Secretary of such meeting to cause to be filed and recorded in the office of the County Clerk of the county in which the cemetery grounds are situated, in a book to be appropriated to the recording of certificates of incorporation.

Powers of association.

3603. SEC. 3. Upon such certificate, duly acknowledged and filed, as aforesaid, being recorded, the association mentioned therein shall be deemed legally incorporated, and shall be a body politic and corporate, in fact and in name, by the name stated in the certificate, and by their corporate name have succession and power: First—To sue and be sued in any Court. Second—To make and use a common seal, and alter the same at pleasure. Third—To purchase, hold, sell, and convey such real and personal estate as the purposes of the incorporation shall require. Fourth—To appoint such officers, agents, and servants as the business of the corporation shall require; to define their powers, prescribe their duties, and fix their compensation. Fifth—To require of them such security as may be thought proper for the fulfillment of their duties, and to remove them at will, except that no Trustee shall be removed from office unless by a vote of two thirds of the whole number of Trustees, or by a vote of the majority of the Trustees, on a written request signed by one half of the lot owners. Sixth—To make by-laws not inconsistent with the laws of this State, for the organization of the company, the management of the property, regulation of its affairs, and for the carrying on all kinds of business within the object and purposes of the company. The affairs and property of such associations shall be managed by the Trustees, who shall annually appoint from among their number a President and Vice President, and shall also appoint a Secretary and Treasurer, who shall hold their places during the pleasure of the Board of Trustees, and the Trustees may require the Treasurer to give security for the faithful performance of the duties of his office.

3604. SEC. 4. Any incorporated cemetery association, under this Act, may take by purchase or devise, and hold, within the county in which the certificate of their incorporation is recorded, not exceeding three hundred and twenty acres of land, to be held and occupied exclusively for a cemetery for the burial of the dead. Such land, or such parts thereof, as may from time to time be required for that purpose, shall be surveyed and subdivided into lots or plats of such size as the Trustees may direct, with such avenues, paths, alleys, and walks as the Trustees deem proper; and a map or maps of such surveys shall be filed in the office of the County Recorder of the county in which the land shall be situated; and after filing such maps, the Trustees may sell and convey the lots or plats designated upon such maps, upon such terms as shall be agreed upon, and subject to such conditions and restrictions, to be inserted in, or annexed to, the conveyances, as the Trustees shall prescribe; the conveyances to be executed under the common seal of the association, and signed by the President or Vice President and the Treasurer of the association. Any association incorporated under this Act may hold personal property to an amount not exceeding five thousand dollars, besides what may arise from the sale of lots and plats. Cemetery.

3605. SEC. 5. The annual election for Trustees, to supply the place of those whose term of office expires, shall be holden on the day mentioned in the certificate of incorporation, and at such hour and place as the Trustees shall direct; at which election shall be chosen such number of Trustees as will supply the places of those whose term expires or has become vacant. The Trustees chosen at any election subsequent to the first shall hold their places for three years, and until others shall be chosen to succeed them. The election shall be by ballot, and every person of full age, who shall be the proprietor of a lot or plat in the cemetery of the association containing not less than two hundred square feet of land, or if there be more than one proprietor of any such lot or plat, then such one of the proprietors as the majority of joint proprietors shall designate to represent such lot or plat, may, either in person or by proxy, give one vote for each plat or lot of the dimensions aforesaid; and the persons receiving a majority of all the votes given at such election shall be Trustees, to succeed those whose term of office expires. But in all elections after the first the Trustees shall be chosen from among the proprietors of lots or plats, and the Trustees shall have power to fill any vacancy in their number occurring during the period for which they hold their office. Public notice of the annual elections shall be given in such manner as the by-laws of the corporation shall prescribe. Election of Trustees.

3606. SEC. 6. The Trustees, at each annual election, shall make reports to the lot proprietors of their doings, and of the management and condition of the property and concerns of the association. If the annual election shall not be held on the day fixed in the certificate of incorporation, the Trustees shall have power to appoint another day, not more than sixty days thereafter, and shall give public notice of the time and place, at which time the election may be held with like effect as if holden on the day fixed on in the certificate; the office of the Trustees, chosen at such time, to expire at the same time as if they had been chosen at the day fixed by the certificate of incorporation. Trustees to make annual report.

3607. SEC. 7. After its formation, in the manner provided in the preceding sections, the corporation shall proceed to pur-

Powers of association. chase suitable grounds for the proposed cemetery, and to the vendor thereof they are authorized to issue the bonds of the corporation for the amount of the purchase money, bearing interest, not exceeding the rate of twelve per cent per annum, but payable out of sixty per cent of the proceeds of the cemetery, as the same shall be realized, and not otherwise. Sixty per cent at least, of the proceeds of all sales of lots, plats, or graves, shall be first appropriated to the payment of the said bonds and interest aforesaid, payable at least once in three months to the bond holders, until all are paid, and the residue thereof to be used in preserving, improving, and embellishing the said cemetery grounds and the avenues or roads leading thereto, and to defraying the incidental expenses of the cemetery establishment; and after payment of the purchase money and interest, as aforesaid, and all debts contracted therefor, and for surveying and laying out the land, the proceeds of all future sales shall be applied to the improvement, embellishment, and preservation of such cemetery, and for incidental expenses, and to no other purpose or object.

Penalty for willful injury to cemetery. 3608. SEC. 8. Any person who shall willfully destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone, building, or other structure placed in any cemetery of any association incorporated under this Act; or any fence, railing, or other work for the protection or ornament thereof; or of any tomb, monument, or gravestone, or other structure aforesaid; or of any plat or lot within such cemetery; or shall willfully destroy, cut, break, or injure any tree, shrub, or plant, within the limits of such cemetery; shall be deemed guilty of a misdemeanor, and such offender shall also be liable in an action of trespass, to be brought in all such cases in the name of such association, to pay all such damages as shall have been occasioned by his unlawful act or acts. Such money, when recovered, shall be applied by the Trustees to the reparation or restoration of the property so destroyed or injured.

Embellishing, etc. 3609. SEC. 9. Any association incorporated pursuant to this Act, may take and hold any property, real or personal, bequeathed or given upon trust, to apply the income thereof, under the direction of the Trustees of such association, for the improvement or embellishment of such cemetery, or the erection or preservation of any buildings, structures, fences, or walks erected, or to be erected, upon the lands of such cemetery association, or upon the lots or plats of any of the proprietors, or for the repair, preservation, erection, or removal of any tomb, monument, gravestone, fence, railing, or other erection on or around any cemetery, lot, or plat; or for planting or cultivating trees, shrubs, flowers, or plants in or around any such lot or plat, or for improving or embellishing such cemetery, or any of the lots or plats in any other manner or form consistent with the design and purposes of the association, according to the terms of such grant, devise, or bequest.

Exempted from taxation. 3610. SEC. 10. The cemetery lands and property of any association formed pursuant to this Act, shall be exempt from all public taxes, rates, and assessments, and shall not be liable to be sold on execution, or be applied in payment of debts due from any individual proprietors; but the proprietors of lots or plats in such cemeteries, their heirs or devisees, may hold the same exempt therefrom, so long as the same shall remain dedicated to the purpose of a cemetery; and during that time no street, road, avenue, or thoroughfare shall be laid through such cemetery, or any part of the lands held by such association for the purposes aforesaid, without the consent of the Trustees of such association, and of four fifths of the lot owners.

3611. SEC. 11. Whenever said lands shall be laid off into lots or plats, and such lots or plats, or any of them, shall be transferred to individual holders, and after there shall have been an interment in a lot or plat so transferred, such lot or plat, from the time of such interment, shall be forever thereafter inalienable, and shall, upon the death of the holder or proprietor thereof, descend to the heirs at law of such holder or proprietor, and to their heirs at law forever; *provided, nevertheless,* that any one or more of such heirs at law may release to any other of the said heirs at law, his, her, or their interest in the same, on such conditions as shall be agreed on and specified in such release, which release shall be recorded with the County Recorder of the county within which the said cemetery shall be situated; *and, provided further,* that the body of any deceased person shall not be interred in such lot or plat, unless it be the body of a person having, at the time of such decease, an interest in such lot or plat, or the relative of some person having such interest, or the wife of such person, or her relative, except by the consent of all persons having an interest in such lot or plat.

Laid off in lots.

Provisos.

3612. SEC. 12. In case the grounds purchased for cemetery purposes, in accordance with section seven of this Act, shall have been used as a cemetery previous to such purchase, then, those who are lot owners at the time of the purchase, shall have and be entitled to all the privileges they would be entitled to by purchase from a corporation formed as aforesaid.

Former purchases.

CHAPTER CXXXI.

OF CORPORATIONS FOR RAFTING AND RUNNING TIMBER AND WOOD.

SECTION 3613. Corporations, how formed.

3614. Articles of association; powers; proviso; not to interfere with dams, etc.; proviso; not to interfere with rights of land owners; lien; notice; proviso; public or individuals not to be deprived of natural rights; damages to ranches, etc.; proviso.

3615. May have a lien.

SECTION 3616. Names of members to be posted, etc.; name and mark to be filed and recorded; proviso.
3617. Punishment for altering marks, etc.
3618. Directors to elect certain officers and fill vacancies.
3619. Books and records open.
3620. Right reserved.

An Act to regulate rafting and running timber and wood on th rivers in the State of Nevada.

[Approved March 3, 1866, p. 198.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Corporations, how formed. 3613. SECTION 1. That any number of persons, not less than five, may be formed into a corporation for the purpose of running, driving, booming, and rafting logs, timber, lumber, and wood, on any of the streams or water within this State, by complying with the following requirements: Notice shall be given in at least one newspaper printed in the county, or in some one of the counties, in which said stream or water may be; and if there be no newspaper printed in such county or counties, then such notice shall be printed in some newspaper in some adjoining county, having circulation in said county or counties, of the time and place where all persons desirous of forming such corporation may meet and subscribe articles of association, adopt by-laws, and elect Directors of such corporation; in which articles of association shall be set forth the name of the corporation, the number of years the same is to be continued, which shall not exceed thirty years from the date of said articles; the number and names of the Directors who shall manage the concerns of the corporation for the first year, and who shall hold their offices until others are elected; the stream or waters upon which the business of said corporation is intended to be done, and the place within this State where the business office of said corporation shall be kept.

Articles of association. 3614. SEC. 2. Each subscriber to such articles of association shall subscribe thereto his name and place of residence. The articles of association shall be filed in the office of the Secretary of State; and thereupon, the persons who have so subscribed, and all persons who shall, from time to time, associate themselves with them, shall be a body corporate, by the name specified in such articles; and as such, shall be capable of suing and being sued in all Courts and in all manner of actions, and may have a common seal, and shall have power: **Powers.** First—To acquire and hold, by purchase, gift, grant, lease, or otherwise, any lands, tenements, hereditaments, and appurtenances for the erection of mills, offices, houses, or other buildings necessary and proper for carrying on the business of said corporation. Second—To elect, from the members of the corporation, a Board of Directors, to consist of not less than three nor more than seven, who, after the first year, shall be elected annually, at such time and place, and in pursuance of such notice (not less than thirty days) as may be prescribed by the by-laws of the corporation. Said Board of Directors shall hold their office for one year, and until their successors shall have been elected. A copy of any articles of association, filed in pursuance of the power hereby granted, with a copy of an affidavit made and attested by two Directors named therein, setting forth that all prior proceedings of said corporation had been in strict conformity with all the provisions of this Act, indorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy of the whole of such articles of association and of such affidavit, shall be, in all Courts and places, presumptive evidence of the incorporation of such association and the facts therein stated. Third—To appoint all agents and attorneys needful and proper, in the prosecution of the business or affairs of the corporation, and fix their compensation. Fourth—To assess and collect all rates, dues, and sums of money from the members of said corporation, by demand, suit, or otherwise, in any place or Court of proper jurisdiction, according to law, the provisions of the articles of association, by-laws and regulations of said corporation or of the Board of Directors thereof. Fifth—To make and construct all proper and necessary rollways, booms, piers, and other constructions along said stream or water, for running, driving, booming, or securing said logs, timber, lumber, and wood; *provided*, that no such rollway, boom, or pier, or other construction, shall interrupt or hinder the free use and navigation upon such streams or waters; *and, provided further*, that nothing contained in this Act shall authorize any corporation formed under the same, to injure or in anywise interfere with any dams, ditches, or flumes that are constructed, or may be hereafter constructed, for milling or farming purposes; *provided*, that all dams hereafter constructed, shall, whenever the same is required by any corporation hereafter formed under this Act, provide suitable and necessary chutes and aprons, for the purpose of passing over or through said dam, logs, or other timbers; *and, provided further*, that the rights of those owning lands upon such streams and rivers, shall not be interfered with or infringed upon. Sixth—To collect and remove from all islands and lowlands any logs, timber, lumber, or wood, belonging to such corporation, that may be carried out by the waters of overflow, or the overflowage of the banks of such streams or water, and drifted or lodged upon any such island or lowland, and return the same to the main channel of the river. Seventh—If any person shall put or cause to be put, into such stream or waters, any logs, timber, or wood, and shall not make adequate provisions and put on sufficient force for breaking jams, or for running, driving, booming, rafting, securing, or clearing the banks of the same, and thereby obstruct the floatage or navigation, then such corporation shall have power to remove from such streams or waters all such obstacles of every character, including jams of logs, timber, lumber, and wood, to run, drive, boom, raft, secure, and clear the banks of the same, at the proper charge and expense of the person or persons owning said logs, timber, lumber, or wood, proportionate to the number, quantity, and the expense of running and securing the same; and said corporation shall have a lien thereon, and may sell a sufficient quantity thereof, at public vendue or

Same.

Proviso.

Not to interfere with dams, etc.

Proviso.

Not to interfere with rights of land owners.

Lien.

Notice. auction, on not less than thirty days' notice, either personally served upon such owner, or posted in three or more conspicuous places in the county where such property is held, boomed, or secured. In all such cases such notice shall be posted in the office of the corporation, and such notice shall set out: First—The mark, description, and supposed ownership of such property; and, Second—The amount of the charges for which the same is to be sold, together with the expense of such sale. At all such sales, logs, timber, and lumber shall be rated and sold by the one thousand feet, board measure, and wood by the cord, as laid down by Scribner's rule; *provided*, that nothing in this Act contained shall be construed to prevent or hinder any person or persons from running, driving, booming, or rafting their own logs, timber, lumber, or wood, at such time and in such manner as their interests may require; *and*, *provided*, that no person owning, running, driving, booming, or rafting logs, timber, lumber, or wood in or upon such stream or waters shall leave the same in such a situation as to obstruct the floatage, or navigation, or clearing of the banks of such stream or waters, or in any manner thereby deprive individuals, or the public, of their natural rights, except when logs, timber, wood, or lumber shall have been secured in a boom at the place where the same is to be taken out of the river; then any party or parties, company, or corporation, coming after, shall drive through said logs, timber, wood, or lumber, so boomed, at their own expense; and when the drives of two or more parties have been mixed, then the party or parties desiring to drive further down, shall part out their own logs, timber, wood, or lumber, and take the same through said booms at their own expense; *provided*, any damage to ranches, bridges, dams, or other property, on any river or stream, by the parties using the same in floating logs or timber, or otherwise, shall be appraised by three appraisers, one to be chosen by the party injured, one by the Superintendent of the incorporation, or other party complained of, the other by the two so chosen; the decision of the said appraisers shall be final and binding on both parties, and the damage so determined shall be promptly paid; and if the damages, so appraised, are not paid within one month after the same are appraised, then the party liable shall be liable in double the amount of damages so appraised, and the Court shall give judgment, in case of suit, for such double damages; *provided*, that any person owning logs, timber, lumber, or wood, intended to be run or driven upon such stream or waters, or interested in running, driving, booming, or rafting the same, may become a member of such corporation, upon application, by signing the articles of association of such corporation, and paying his proportion of the expenses of establishing, maintaining, and conducting its affairs.

Proviso.

Public or individuals not to be deprived of natural rights.

Damages to ranches, etc.

Proviso.

May have a lien. 3615. SEC. 3. Said corporation shall have a lien on all logs, timber, or wood, run, driven, boomed, rafted, cleared from the banks, or secured by such corporation, whether of its members, or other persons, whose logs, timber, lumber, or wood have been run, driven, boomed, rafted, cleared from the banks, or secured by virtue of any contract, to that purpose, by and between such persons and such corporation, and may sell the same on not less than thirty days' notice, made and published in like manner, and to like effect, as provided for in the preceding section; unless otherwise provided by contract.

3616. SEC. 4. Such corporation shall keep posted, in some conspicuous place in their office, a list of the names, with place of residence, of all the members thereof, and of all persons whose logs, timber, lumber, or wood they have contracted to run, drive, boom, raft, clear from the banks, or secure, with a description of each mark intended to be used upon such logs, timber, lumber, or wood, so far as the same may be known; and if any person owning or interested in the running and securing of any logs, timber, lumber, or wood on such stream or waters, shall furnish to the Secretary of such corporation a like list of the name, residence, and mark or marks of such person or persons, the Secretary shall post the same in like manner as hereinbefore provided; and every such person shall be entitled to ten days' notice in all cases provided for in section two, specification seventh, to be given in the same manner as therein provided; and such person or persons owning or interested in the running and securing, as aforesaid, any logs, timber, lumber, or wood on such stream or waters, shall, before floating the same, cause to be filed in the office of the corporation, and filed and recorded in the office of the Clerk of the county in which the office of such corporation may be kept, his or their name, residence, and place of business, and private mark to be used by such person or persons, which mark shall differ palpably and materially, in form, figure, and design, from any mark previously so placed on file as aforesaid, and shall thereafter stamp, impress, or hack the same on all timber, lumber, or wood belonging to him or them; *provided*, that any person intending or desiring to raft or drive any limb or small wood, shall not be compelled to mark the same before putting it in the river, but shall have the same measured by some competent person, who shall make oath, before some Justice of the Peace or other officer authorized to administer oaths, that he has measured said wood, stating the number of cords thereof, and thereupon the Justice of the Peace or other officer administering the oath shall issue to the party or parties a certificate, stating the name or names of the owner or owners, the number of cords of wood, the place where, and the time when, the same was put into the river. Said certificate shall be prima facie evidence of the facts therein stated. When the wood shall have been driven or rafted down to its destination, then a division shall be made on the basis of the certificates held by each of the parties or owners, and each owner or holder of such certificate shall receive his pro rata or share, and shall sustain his pro rata or share of loss on all the wood sunk or lost while being driven.

Names of members to be posted, etc.

Name and mark to be filed and recorded.

Proviso.

3617. SEC. 5. Whoever shall unlawfully cut out, alter, or destroy any marks of the owner, made or impressed thereon, or who shall convert to his own use, without the consent of the owner, any logs, timber, lumber, or wood, in this State, shall forfeit, for the benefit of the School Fund, a sum not exceeding twenty five dollars for each log, piece of lumber, timber, or wood, the mark on which he shall have so altered, cut out, defaced, or destroyed, or which he shall have so con-

Punishment for altering marks, etc.

verted to his own use aforesaid, and shall be liable to the party injured in treble damages, the aforesaid forfeiture to be the basis, or form the data from which to assess damages, such damages to be recovered before any Court of competent jurisdiction; and such person shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the County Jail not exceeding six months.

Directors to elect certain officers and fill vacancies.

3618. SEC. 6. The Board of Directors, hereinbefore provided for, may elect from their number a President, and appoint a Treasurer and Secretary, who shall give such bonds as the Board of Directors may require; and in case any vacancy shall occur in said Board, the remaining Directors may elect any member of said corporation to fill such vacancy, as Director, for the unexpired term, and until their successors are elected; and in case said annual election of Directors, from any cause, shall not be held at the time appointed, it shall be lawful to hold the same at any time thereafter, upon giving the notice hereinbefore provided.

Books and records open.

3619. SEC. 7. The books and records of the corporation shall be open to inspection by the members of the corporation, and such reports and statements shall be made and published from time to time, as they may, by their by-laws, require.

Right reserved.

3620. SEC. 8. The right is hereby reserved to the Legislature of this State to alter, amend, or repeal this Act, at any time when the same may be deemed expedient.

CHAPTER CXXXII.

OF THE INCORPORATION OF A STATE AGRICULTURAL SOCIETY.

SECTION 3621. Nevada State Agricultural Society; corporate powers.
3622. Further powers.
3623. Officers of society; how elected; vacancies.
3624. Membership of society.
3625. Debt of society.
3626. Present officers; Governor to appoint two Directors.
3627. First annual meeting.

An Act to incorporate a State Agricultural Society, and provide for the management thereof.

[Approved March 7, 1873, p. 138.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3621. SECTION 1. There is hereby established and incorporated a society to be known and designated by the name and style of the "Nevada State Agricultural Society," and by that name and style shall have perpetual succession, and shall have power to contract and be contracted with, to sue and be sued, and shall have authority to have and use a common seal, to make, ordain, and establish, and put in execution, such by-laws, ordinances, rules, and regulations as shall be necessary for the good government of said society, and the prudent and efficient management of its affairs; *provided*, that said by-laws, ordinances, rules, and regulations shall not be contrary to any provision of this charter, or the laws and Constitution of this State or the United States.

Nevada State Agricultural Society.

Corporate powers.

3622. SEC. 2. In addition to the powers above enumerated, the society shall, by its name, have power to purchase, hold, and lease any quantity of land, not exceeding in the aggregate six hundred and forty acres, with such buildings and improvements as may be erected thereon, and may sell, lease, and dispose of the same at pleasure. The said real estate shall be held by such society for the purpose of erecting buildings, and other improvements designed for the meeting of said society, and calculated to promote and encourage the interest of agriculture, horticulture, mechanics, manufactures, stock raising, and general domestic industry.

Further powers.

3623. SEC. 3. The officers of such society shall consist of a President, three Vice Presidents, five Directors, a Secretary, and a Treasurer, all of whom shall be members of such society, and shall have the management of the fiscal, prudential, and other concerns of such society, and shall be styled the Board of Managers. The said officers, with the exception of two of said Directors, who shall be annually appointed by the Governor of this State, shall be elected annually by the members of the society, at such time and in such manner as in the by-laws of said society may be prescribed, and shall hold their offices for the term of one year, and until their successors enter upon their duties. And said Board of Managers shall have power to fill vacancies in said Board that may happen during their continuance in office, except a vacancy caused by the death, resignation, or removal from the State of either of the said Directors appointed by the Governor, in which event such vacancy shall be filled by appointment of such Governor.

Officers of society.

How elected.

Vacancies.

3624. SEC. 4. Such society may provide by its by-laws for membership of such society, and fix the prices of such membership and the terms of duration thereof; and the members of such society shall determine by vote the place where the annual meeting and exhibition of such society shall be held, which vote shall be taken annually, and the members shall vote either in person or by proxy.

Membership of society.

3625. SEC. 5. Such society, by the unanimous vote of the Board of Managers, for the purpose of purchasing or leasing property, as provided for by section two of this Act, or for the purpose of paying for property, may create debts or liabilities not exceeding twenty-five thousand dollars, which they may secure by mortgage upon the property of said society.

Debt of society.

Present officers.

3626. SEC. 6. For the purpose of carrying into effect this Act, Isaac L. Requa, of Storey County, is hereby appointed President of said society; W. W. McCoy, of Lander County, P. H. Clayton, of Douglas County, R. N. Graves, of Storey County, Vice Presidents; C. W. Pegg, of Washoe, J. Winnie, of Ormsby, William Kennedy, of Elko County, Directors; T. D. Parkinson, of Storey County, Secretary; H. W. Putnam, of Storey County, Treasurer; and the Governor of this State shall appoint two other persons to act as Directors. And said Governor is hereby authorized to fill any vacancies occasioned by the failure or inability of any of the above mentioned persons to serve; and the aforesaid persons shall constitute the first Board of Managers of said society, and shall hold their offices until the first annual election thereof.

Governor to appoint two Directors.

First annual meeting.

3627. SEC. 7. The first annual meeting of the society shall be held at the City of Virginia, in the County of Storey, on the first Monday of July, A. D. eighteen hundred and seventy-three.

CHAPTER CXXXIII.

OF THE ORGANIZATION AND DISCIPLINE OF THE MILITIA.

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An Act to provide for organizing and disciplining the militia of the State.

[Approved March 4, 1865, p. 189.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

To issue commissions.

3628. SECTION 1. The Governor, as Commander-in-Chief of the militia of the State, shall issue commissions to all officers appointed or elected under the provisions of this Act; the military staff of the Commander-in-Chief shall consist of one Adjutant General, with the rank of Brigadier General; three Aids de Camp, with the rank of Lieutenant Colonel; one Chief Engineer, one Paymaster General, one Judge Advocate General, and one Surgeon General, each with the rank of Colonel.

Adjutant General, Commissary General, Quartermaster General, Inspector General, and Chief of Ordnance.

3629. SEC. 2. The Secretary of State shall be ex officio Adjutant General, Commissary General, Quartermaster General, Inspector General, and Chief of Ordnance. [As amended March 3, Stats. 1866, p. 206.]

Appointments.

3630. SEC. 3. Other officers of the general staff, and all other officers of the staff of the Commander-in-Chief, shall be appointed by the Governor, and shall continue in office for the same term as the Governor, or at his pleasure, except as hereinafter provided for officers called into the service of the United States.

Appointments, further.

3631. SEC. 4. There shall also be appointed by the Commander-in-Chief, by and with the advice and consent of the Senate, one Major General to each division, and one Brigadier General to each brigade, who shall hold their offices for the term of four years, and until their successors are appointed and qualified, except as hereinafter otherwise provided.

3632. SEC. 5. The staff of each Major General of Division shall consist of one Assistant Adjutant General, with the rank of Lieutenant Colonel; two Aids-de-Camp, with the rank of

Staff officers.

Major; one Engineer officer, one Ordnance officer, one Quartermaster, one Commissary, one Paymaster, one Division Inspector, one Judge Advocate, and one Surgeon, with the rank of Lieutenant Colonel; and four Staff Orderlies, with the rank of Sergeant Major. The staff of the Adjutant General shall consist of one Aid-de-Camp, with the rank of Captain. The staff of each General of Brigade shall consist of one Assistant Adjutant General, with the rank of Major; one Aid-de-Camp, with the rank of Captain; one Engineer officer, one Ordnance officer, one Quartermaster, one Commissary, one Paymaster, one Brigade Inspector, one Judge Advocate, and one Surgeon, with the rank of Major; and two Staff Orderlies, with the rank of Sergeant Major. The staff of a Colonel of a regiment, a Lieutenant Colonel, or a Major commanding a battalion, as hereinafter provided, shall consist of one Adjutant and one Assistant Surgeon, each with the rank of First Lieutenant, and one Sergeant Major, to be appointed by such commanding officer, the Adjutant being selected from the line as in the United States army.

Other staff officers, how appointed.

3633. SEC. 6. The Generals of Division and Brigade, and the Adjutant General, shall appoint the officers of their respective staffs; but those appointed by Generals of Division and Brigade must be residents of their respective divisions and brigades. Any officer of a regiment, battalion, or company, receiving and accepting any staff appointment, except that of Adjutant, shall be considered as ipse facto resigning his commission in such regiment, battalion, or company. All such staff officers will continue to hold their office until their successors shall have been appointed and commissioned, except as is herein otherwise provided for the troops called into active service.

Officers to be commissioned by the Governor.

3634. SEC. 7. All military officers, appointed or elected under the laws of this State, shall be commissioned by the Governor, and each commission shall be countersigned by the Secretary of State as such, and attested by the same officer as ex officio Adjutant General of the State, and the officer so commissioned shall take the oath of office prescribed by the Constitution before some officer authorized by law to administer oaths, a copy of which oath shall be indorsed on each commission, and a certified copy of the same shall be made out by the officer administering it, and delivered to the officer taking it, and by him transmitted to the Adjutant General; and the commission shall be deemed as taking effect on the day of the indorsement and transmission of the certificate of the oath, as herein provided. In case of promotion, the oath need not be renewed, and the commission shall take effect from its date. Commissions shall run at the pleasure of the Commander-in-Chief, except as herein otherwise provided. No fees shall be charged for issuing commissions under this Act to any officer of the militia of this State. [As amended March 12, Stats. 1867, p. 104.]

Oath.

Oath not renewed.

When fees not to be charged.

Duty of Adjutant General.

3635. SEC. 8. It shall be the duty of the Adjutant General to take charge of, and to carefully guard and preserve, and to account for all arms, accouterments, ammunition, ordnance stores, and other military property, belonging to this State, or granted to it by the Congress of the United States. He shall visit annually the several military divisions, as hereafter enumerated in the provisions of this Act, for the purpose of

Same.

inspecting and reviewing the troops of said divisions; a report of which shall be made in full to the Governor of the State. He shall keep and file in his office all returns, reports, and military correspondence made by him in accordance with the provisions of this Act. He shall also keep an account of all moneys received and expended by him. The manner of keeping these accounts and papers, when not otherwise provided by law, shall be directed by the Commander-in-Chief, and they shall be always subject to his inspection. He shall, on or before the second Monday in December of each year, make to the Governor, to be by him laid before the Legislature, a report of all the transactions of his department since his last annual report, containing: First—An account of all moneys received and expended. Second—An account of all arms, accouterments, ammunition, ordnance stores, and military property of every description, belonging to the State, from what source received, to whom issued, or how expended, and by whose order. Third—A statement of the present condition of all such property under his charge, and if any such property shall not be under his charge, he shall state in whose possession the same may be. Fourth—The number, strength, and condition of the organized militia, and the strength of the enrolled militia of the State. He shall also make and transmit an annual return of the militia of this State, pursuant to the requirements of the Act of Congress of March second, eighteen hundred and three, to the President of the United States. a copy of which, duly certified, he shall lay before the Commander-in-Chief of this State. He shall also perform all other duties appertaining to his office, or which may be enjoined on him by law. He shall be the medium of military correspondence with the Commander-in-Chief.

Bond of Adjutant General.

3636. SEC. 9. Before entering upon the duties of his office, he shall give bonds to the people of the State of Nevada, with good and sufficient sureties, to be approved by the Governor, in the sum of twenty-five thousand dollars, conditioned that he shall faithfully perform all the duties enjoined on him by law. If at any time the Governor shall deem the sureties so given to be insufficient, he shall require the Adjutant General to give new sureties, to be approved by him; and if the Adjutant General shall refuse or neglect to do so, the Governor shall suspend him from office, and immediately report his proceedings to the Senate, if the Legislature be in session, and if not, then at the beginning of the next session; and if the Senate approve such suspension, it shall be regarded as a removal from office; but if the Senate disapprove of the suspension, the Adjutant General shall resume the duties of his office. During the time of his suspension from office, he shall receive no portion of his salary, but if such suspension be disapproved, he shall receive his back pay.

Suspension

Governor to appoint.

3637. SEC. 10. During the suspension of the Adjutant General from office, or his absence, or inability from any cause to perform his duties, the Governor may appoint some competent person to perform the duties of Adjutant General ad interim.

State property.

3638. SEC. 11. On the expiration of his term of office, the Adjutant General, or the person performing his duties ad interim, will turn over to his successor, in good order, all arms, ordnance, ordnance stores, and other property belonging to the State, and all the books, papers, bonds, and money in his charge, and pertaining to his office.

3639. SEC. 12. Every free able-bodied white male inhabitant of this State, between the ages of eighteen and forty years, not exempt by law, shall be subject to military duty, and shall be organized and enrolled as hereinafter directed. Who subject to military duty.

3640. SEC. 13. The following persons are exempted from military duty and enrollment: All ministers of religion, having a license or written evidence, according to the rules of their particular persuasion or organization, that they are such ministers; all civil and military officers of the United States; all officers of foreign governments; all civil officers (including members of the Legislature) of the State of Nevada; all persons who have been wounded in the service of the State, or of the United States, and all persons exempted from military duty by the laws of the United States. Who exempt.

3641. SEC. 14. The District or County Assessor of each and every revenue district or county in this State, shall, at the same time in each year, when he prepares a roll containing the taxable inhabitants of his district or county, enroll all the inhabitants of his district or county subject to military duty, which list or roll shall be sworn to by him, and be delivered to the Clerk of the Board of Commissioners, in the same manner, and at the same time, as is provided by law for the civil tax list or assessment roll, and the Clerk of the Board of Commissioners shall keep the same open for inspection, as is provided by law for the civil assessment roll. Duty of Assessor.

3642. SEC. 15. The Board of Equalization shall correct the said military assessment roll, at the same time, and in the same manner, as is prescribed by law for the correction of the civil tax list; and it shall be the duty of the said Clerk to deliver to the Brigadier General of the brigade to which his county belongs, or to the Adjutant General of the State, a triplicate of said list, certified by him, within ten days after the Board of Equalization shall have completed their corrections; and the compensation allowed for making out said military list shall be the same, or be determined and fixed in the same manner, as for making out the assessment list. Duty of Board of Equalization.

3643. SEC. 16. If any Assessor shall neglect or refuse to perform any of the duties required of him by this Act, he shall be subject to the same penalties, liabilities, and punishments as is provided by law for a neglect or refusal to perform any of the duties required of him for the assessment of the civil taxes; and, moreover, he shall forfeit and pay the sum of not less than three hundred and not more than one thousand dollars, to be sued for in the name of the State of Nevada, by the District or Prosecuting Attorney of the respective county, and recovered in the name of the State of Nevada, and paid into the Military Fund of the State; and if the Clerk of the Board of Equalization shall neglect or refuse to make and deliver to the Brigadier General of the brigade to which his county belongs, or to the Adjutant General of the State, the triplicate of the military assessment roll, as directed in this Act, he shall forfeit and pay Penalty for neglect of duty.

the sum of not less than two hundred and not more than five hundred dollars, to be sued for and recovered in the same manner as is provided in this section with respect to the Assessor.

Volunteer companies. 3644. SEC. 17. Whenever a sufficient number of persons, by the provisions of this Act, citizens of any county of this State subject to military duty, shall subscribe to a call for the organization of a volunteer company, the District Judge of said county, upon due application of the persons who have subscribed as above, shall appoint some suitable person, resident of the county, to open a book in which he shall enter the names of the persons so volunteering, and shall fix a time and place of meeting, for the purpose of organization, by giving ten days notice thereof, by publication in some newspaper, or by posting notices in at least three public places in the county.

Presiding officer. 3645. SEC. 18. The person so appointed shall preside at said meeting, and organize the same; he shall superintend the election of the officers of said company, which election shall be by ballot, and shall require a majority of all the votes of the company to elect an officer; he shall make out, after said election shall have been determined, a list of the persons so volunteering, a certificate of each officer so elected, and transmit them to the Adjutant General of the State, together with a copy of the proceedings of said meeting, and a copy of his appointment, and of the notice of said meeting, duly certified by him; and if it shall be found that such company has been organized, and such officers elected in conformity with the provisions of this Act, such company shall be listed in the office of the Adjutant General, as a company of the organized volunteer militia of this State, and the officers so elected shall be commissioned by the Commander-in-Chief, who shall hold their respective offices for the term for which they were elected.

What number to compose a company. 3646. SEC. 19. The volunteer or independent companies shall be armed and equipped in the same manner as similar corps in the army of the United States, and shall consist of the following officers, non-commissioned officers, and privates, viz: To each company of cavalry, one Captain, one First and two Second Lieutenants, four Sergeants, four Corporals, one saddler, one farrier, one trumpeter, and not less than forty nor more than eighty privates. To other companies, there shall be one Captain, one First and two Second Lieutenants, four Sergeants, four Corporals, one drummer, one fifer, and not less than forty nor more than eighty privates; excepting light batteries, who shall be allowed one hundred active members each, and such officers as are allowed in the United States service.

Constitution. By-laws. 3647. SEC. 20. Volunteer companies and battalions may adopt a Constitution and form by-laws, rules, and regulations, not inconsistent with the Constitution of the United States, or of this State, for the government of their members and for their improvement in military science. It shall be the duty of the acting Orderly Sergeant of the company, and Sergeant Major of the battalion, to keep a perfect and complete record of the Constitution, by-laws, rules, and regulations of his company or battalion, which shall be signed by the Captain or Commander, and countersigned by the Orderly Sergeant or Sergeant Major, and said record shall at all times be subject to the inspection of any member of the company or battalion, and all military officers or persons interested therein; and if any member of such volunteer company or battalion shall fail to comply with the provisions of such Constitution, by-laws, rules, and regulations, he may be expelled from such company or battalion, and his name erased from its roll.

Application for arms.

3648. SEC. 21. When any volunteer company shall be organized according to law, the commanding officer thereof may apply to the Commander-in-Chief, through the proper military authorities, for such arms and accouterments, or stores, as may be required, such application being first submitted to the District Judge, and receiving his approval, which shall be indorsed thereon. If the Commander-in-Chief shall approve such application, or any part thereof, he shall give an order, upon the back thereof, directing the issue by the Adjutant General, who shall immediately notify the officer making such application, and the District Judge who approved it, that the arms and accouterments, or stores, mentioned in such application, or any portion thereof, are ready for issue; and thereupon it shall be the duty of such officer to give such bonds and security as may be deemed requisite by the District Judge to secure the county from loss on account of use, or misapplication, of such arms or equipments, or other stores; and on due notification from such District Judge that such bonds have been given to his satisfaction, and on receiving triplicate receipts from such officer, the Adjutant General shall make the issue. He shall file one copy of such receipts in his office, and transmit the other two, one to the Controller of State, and the other to the County Clerk of the county to which such volunteer company belongs.

Bonds.

Duty of County Commissioners in relation to care of public arms.

3649. SEC. 22. It shall be the duty of the Board of County Commissioners of any county in which public arms, accouterments, or military stores are now had, or shall hereafter be received for the use of any volunteer organized militia company, to provide a suitable and safe armory for organized militia companies within such county. The expenses of procuring and maintaining armories shall be paid out of the General Fund of the county, to be paid by the County Treasurer on presentation of the Auditor's certificate that such allowance had been made by the Board of County Commissioners. The Treasurer shall require a receipt of the person presenting said certificate, which shall be received by the State Treasurer as so much money, and be so allowed in the settlement by the County Treasurer with the Controller and Treasurer of State. [As amended March 2, Stats. 1871, p. 108.]

Expenses, how paid.

Treasurer to require receipt.

Arms to be returned.

3650. SEC. 23. The Commander-in-Chief shall have authority to demand and receive back from any county, or from any portion of the military force of this State, any arms, equipments, military stores, or other property, belonging to the State, which may be in possession of any such counties or military force; and when such arms, equipments, military stores, or other property shall again come into the possession of the Adjutant General, or other officer designated by the Governor to receive them from such counties, or military forces, to which they have been issued, as above provided, it shall be the duty of the Adjutant General, or officer so appointed, to receipt for the same, which receipt shall be triplicate, one copy to be filed in the office of the County Clerk, one in the office of the Adjutant General, and the third in the office of the Controller of State.

Arms subject to inspection. 3651. SEC. 24. All arms, equipments, and military stores, issued as hereinbefore provided, shall at all times be subject to examination by the inspectors and ordnance officers of the State, and of any other officer designated by the Commander-in-Chief for that purpose; and if such officer shall find any of such public property out of repair, injured, or defective, he shall immediately notify the Board of County Commissioners of the facts, and report the same, through the proper channels, to the Commander-in-Chief, who, if the damage shall not be repaired, and the defects or losses supplied within a reasonable time, shall order the same to be done under the direction of some officer, and the vouchers for the expense thereof shall be duly examined and audited by the State Board of Military Auditors, and paid, on the draft of the Controller of State, out of the Military Fund.

Duties of Controller. 3652. SEC. 25. It shall be the duty of the Controller of State to charge the value of all arms, equipments, and military stores, issued as above provided, to the counties, to the military companies, in which such public property shall be issued; and all expenses of repairs of damage and defects, as provided in the foregoing section, and double the value of any arms, accouterments, and military property, which such counties, or such military companies, shall have failed to return to the State, on the demand of the Governor. At the close of each fiscal year, he shall settle the account of each county with reference to such issues and military charges, and the amount so found due shall, on the requisition of the Controller of State, be assessed at the time of the next annual assessment as a part of the county taxes, and be collected in such county in the same manner as the ordinary taxes, and shall be paid into the State Treasury as a part of the Military Fund of the State.

3653. SEC. 26. The transportation of all arms, equipments, and military stores, issued to troops, or received by the State,
under the provisions of this Act, shall be contracted for, under
e direction of the Commander-in-Chief, by the Adjutant Gen-
and the vouchers for such transportation, when audited
e State Board of Military Auditors, shall be paid from the
y Fund, on the warrant of the Controller.

SEC. 27. No public arms, equipments, or military
ny kind, shall hereafter be issued to any person not
the organized volunteer militia, or of the enrolled
nto active service, except in time of war, insur-
c danger so imminent that the Commander-in-
der that the public safety requires him to
which case an accurate account shall be
and to whom they are made.

thin ninety days from the passage of
v officer of volunteer companies now

organized, having in his possession any arms, equipments, and military stores belonging to the State, shall give to the county in which he resides good and sufficient bonds, to be approved by the District Judge, to secure the county from loss on account of the use or misapplication of the same, and the officer so giving bonds to the county shall, together with his sureties, be released from his liabilities for the same property on any bond heretofore given by him and them to the State, and the same shall be charged, as hereinbefore directed, to the said county; and after the expiration of the said ninety days, no person shall retain, or have in his possession at any time, any arms, equipments, or military stores of any kind, belonging to the State, unless they have been properly issued to such person in pursuance of law, and he shall be permitted, by proper authority, to retain the same in the discharge of a public duty; and no person shall use any public arms, equipments, or military stores belonging to the State, for his private use, under penalty, in either of the above cases, of not less than five nor over fifty dollars, for each offense, to be recovered, in case of a member of the organized militia, or of the enrolled militia in active service, by sentence of a Court-martial; or, in case of any other person, by suit, in the name of the State of Nevada, by the District or Prosecuting Attorney of the county, before any Court of competent jurisdiction; and the money so recovered shall be paid into the treasury as a part of the Military Fund of the State.

Bonds of officers.

Penalty for using State arms.

3656. SEC. 29. Any number of organized volunteer companies, not less than three nor more than eight, may form themselves into a volunteer battalion, by giving notice of such intention through their commanding officers, to the General of their brigade, who shall appoint some suitable officer to hold an election of the officers of such battalion; and the officers so appointed shall fix a time and place for such election, by giving ten days notice thereof, by publication in some newspaper, or by posting notices in at least three public places in the county. Such election shall be by ballot, by a majority of the commissioned officers of the volunteer companies calling for the organization of the battalion. The officer so appointed to hold the election shall preside over and superintend such election, and as soon as it shall have been determined, he shall make out certificates of election to the officers so elected, and a certified account of the proceedings of said meeting, with a certified copy of the notice of said meeting, all of which he shall transmit to the Brigadier General of the brigade, who shall transmit them, with a certified copy of the appointment of such officer to hold the election, to the Adjutant General of the State, through the ordinary channels of military correspondence.

To publish notice.

3657. SEC. 30. A battalion of eight companies shall be deemed a regiment, and shall elect one Colonel, one Lieutenant Colonel, and one Major; a battalion of more than four and less than eight companies, shall elect one Lieutenant Colonel, who shall be the commanding officer, and one Major; and a battalion of three or four companies shall elect one Major, who shall be the commanding officer.

Regiment and its officers.

Duties of commanding officers.

3658. SEC. 31. It shall be the duty of each and every commanding officer of any volunteer company in this State, on or before the last Mondays of March and September, of each year, to muster his company, and to make out in triplicate, muster rolls, setting forth the name and number of the members of his company; the officers, in the order of their rank, and the privates, in alphabetical order, and stating at the foot of such muster roll a list of all arms, accouterments, ordnance, and ordnance stores, and other property belonging to the State, in his possession; one of which muster rolls, duly certified, he shall transmit, through his commanding officer, to the Adjutant General of the State; he shall file one in the office of the County Clerk of his county, and he shall keep the other as a voucher for himself. If such company shall form a part of any organized battalion, or regiment, the commanding officer thereof shall transmit the same, with a muster roll of the field and staff officers of his regiment, or battalion, to the Adjutant General of the State, through the proper channels of military correspondence.

To take rank according to date of commissions.

3659. SEC. 32. All commissioned officers of the organized volunteer regiments, battalions, and companies, shall take rank according to the date assigned them by their commissions, and when two of the same grade be of the same date their rank shall be determined by length of service in the militia, and if of equal service, then by lot. Officers of organized volunteer regiments, battalions, and companies, shall in all cases be deemed of superior rank to officers of the enrolled militia of the same grade, irrespective of the date of their commissions.

Duties of Brigadier Generals.

3660. SEC. 33. It shall be the duty of each and every Brigadier General to make from the assessment rolls received by him from the Clerks of the Boards of County Commissioners, and from the muster rolls received by him from the officers of companies, battalions, and regiments, as prescribed in this Act, on or before the first Monday in October of each year, two brigade muster rolls, one to be entitled "Muster roll of the organized militia of the —— Brigade, —— Division," and the other to be entitled "Muster roll of the enrolled militia of the —— Brigade, —— Division," in the first of which he shall include the names of all the officers of his staff, and all the officers, non-commissioned officers, musicians, artificers, and privates of the organized volunteer regiments, battalions, and companies in his brigade, in the order of their organization; and in the second he shall include in alphabetical order the names of all other persons subject to military duty. The originals of these muster rolls, signed by the General of Brigade, shall be filed in his office, and duly certified copies thereof shall be furnished by him to the General of his respective division, and to the Adjutant General of the State.

Duties of Major Generals.

3661. SEC. 34. And it shall be the duty of each and every Major General of Division, on or before the fourth Monday of October of each year, to make from the rolls received by him from the Brigadier Generals of his division two muster rolls, one to be entitled "Muster roll of the organized militia of the —— Division," and the other to be entitled "Muster roll of the enrolled militia of —— Division;" the first to be made up of the names of the officers of the division, staff, and the muster rolls of the organized militia of the brigades of his division, according to their organization, and the other to be made up of the muster rolls of the enrolled militia of these brigades, as provided in the foregoing section. The originals of these muster rolls, signed by the Major General, shall be filed in his office, and duly certified copies thereof shall be transmitted to the Adjutant General of the State.

What denominated the organized militia.

3662. SEC. 35. All commissioned officers of the staff of the Commander-in Chief, the Adjutant General, and the officers of his staff, all Major Generals and Brigadier Generals, and all officers of their respective staffs, and all commissioned officers, non-commissioned officers, musicians, artificers, and privates of volunteer regiments, battalions, and companies, whose names are borne upon the muster rolls of their respective regiments, battalions, and companies, shall be denominated the organized militia of Nevada, and shall at all times be subject to be called into active service. Each person shall be called and mustered according to his commission, enrollment, and organized. All other militia in this State shall be denominated the enrolled militia of Nevada.

May be called into active service.

Who may call out troops.

3663. SEC. 36. In case of war, insurrection, or rebellion, or of resistance to the execution of the laws of this State, or upon the call of any officer of the United States army, commanding a division, department, or district in Nevada, or upon the call of any United States Marshal in Nevada, or of any Mayor of any city, or Chairman of the Board of Commissioners of any county, or of any Sheriff, the Commander-in-Chief is authorized to call into active service any portion of the organized or enrolled militia of this State. In case of the absence of the Commander-in-Chief from the capital, or if it be impossible to immediately communicate with him, the civil or military officer making the requisition for troops may, if he deem the danger imminent and not admitting of delay, serve a copy of such requisition, together with a statement of the Governor's absence, or the impossibility of immediately communicating with him, upon the Major General of the division; in his absence upon the General of the brigade, or commanding officer of a company or detachment, who is hereby authorized to exercise, with respect to calling out of the troops of his division, brigade, or command, the powers conferred in this section upon the Governor; but if the call shall be disapproved by the Governor, the troops called into service will be immediately disbanded. Such call for any portion of the organized militia shall be made by an order issued and directed to the commanding officer of the company, battalion, regiment, brigade, or division which is so called into service, designating in such order the particular troops called, the time and place of rendezvous, and the officer to whom they shall report If such order be directed to a Major General of division, it will be immediately communicated to the Brigadier Generals of his division, and by them to all the officers of their respective brigades, and any officer receiving such order will rendezvous and report for duty as herein directed; and any officer commanding an organized volunteer company or battalion, on receiving such order, will immediately proceed to

Same.

notify the same to each individual of his command, by personal notice, or by publication in some newspaper, or by the usual posting in public places of the county or counties from which the call is made; and such officer shall attend in person, or by deputing an officer of the organized militia in his place, at the place of rendezvous, and take the names of all volunteers for service under such call; and if the number of such volunteers shall be sufficient to form one or more companies or battalions, according to the provisions of this Act, he shall immediately call and superintend the election of the officers of such companies or battalions, which elections shall be conducted in the manner prescribed in this Act for the election of officers of volunteer companies and battalions, except as to the publication of notice of such election, a proclamation of the call of such election, made by the officer calling it at the place of rendezvous, being deemed a sufficient notice. But the Commander-in-Chief shall have authority, if he shall deem it expedient, to direct that a portion of the volunteers so presenting themselves shall be assigned to organized volunteer companies or battalions, already in active service, whose numbers are less than the full complement prescribed in this Act; after which those volunteering shall organize and elect as herein described.

Volunteers insufficient, draft to be made.

3664. SEC. 37. If the number of volunteers so presenting themselves at the place of rendezvous, shall not be sufficient to satisfy the call of the Commander-in-Chief, the Brigadier General of the brigade in which such call is made shall promptly proceed to draft from the enrolled militia of his brigade a sufficient number of men to satisfy said call; and this draft shall be made by putting the names of all the enrolled militia of the county, or counties, from which the order directs the forces to be raised, into a box, and drawing therefrom a sufficient number of names to satisfy the call. The persons whose names are so drawn will be summoned by some officer or officers appointed for that purpose by the Brigadier General, in the manner prescribed by law for the summoning of witnesses in civil cases, the time and place of rendezvous, as ordered by the Brigadier General, being stated in the summons. It shall be the duty of the Major General to be present and to superintend the drafting of the enrolled militia under any call by the Commander-in-Chief, but his presence shall not be necessary to give validity to the proceedings. In case of the absence or inability of the Brigadier General, the officer next in rank of the brigade, or in default of any officer of that brigade for duty, the Major General of the division, or in his default, the Commander-in-Chief, shall designate some officer to perform the duties prescribed to such Brigadier General, with respect to making such drafts; and as soon as a sufficient number of such drafted men shall have appeared at the rendezvous to form a company or companies, they shall proceed to the election of their company officers, in the manner prescribed in section thirty-nine of this Act.

May fill vacancies.

3665. SEC. 38. Any company or companies of the enrolled militia so drafted and organized, by direction of the Commander-in-Chief, shall be enrolled and mustered into any battalion of the organized militia having less than eight companies; and any drafted men of the enrolled militia not organized into companies may, at the discretion of the Commander-in-Chief, be enrolled and mustered into any existing company of organized or enrolled militia not having the full number authorized by law, and which has already been called into active service. If the enrolled militia, when drafted into service, shall fail to elect to any office designated in such call for an election, in the manner and at the time appointed, as provided in this Act, such vacancy or vacancies shall be filled by appointments made by the Commander-in-Chief; and any company or companies of drafted militia not assigned to and mustered in any incomplete battalion of the organized volunteer militia, shall be organized into battalions or regiments, the field officers of which shall be appointed by the Commander-in-Chief, such appointments being made in all cases where, in the opinion of the Commander-in-Chief, suitable persons can be obtained from the officers of the organized volunteer militia of this State. Same.

3666. SEC. 39. Where troops are called into active service from different brigades or divisions, and the number so called into active service shall not be more than sufficient to constitute one complete brigade, or one complete division, the Commander-in-Chief shall so organize them, and shall designate the particular Brigadier General, or Major General, for the command of the brigade or division so organized. Who shall command.

3667. SEC. 40. The commission of any officer called into active service shall continue until he shall be disbanded by the order of the Commander-in-Chief; *provided*, that such commission shall not be vacated by resignation, dismissal, or revocation, as provided in this Act. All vacancies of officers and non-commissioned officers, in active service, shall be filled by appointment or promotion; the first, by the Commander-in-Chief, and the second, by the commanding officer of the battalion, or of the company, in case such company forms no part of any battalion. In filling such vacancies of commissioned officers, the Commander-in-Chief shall, as a general rule, promote by seniority, or appoint, on the recommendation of their superior officers, those in active service; and in any case of departure from this rule, the Commander-in-Chief shall report his reasons for such departure to the Senate. The commanding officer of troops in active service may nominate to any vacancy, for personal bravery, or service in siege or battle, and if the Governor shall commission some other person than the one so nominated, he shall report his reasons to the Senate; and if the Senate, in either of the foregoing cases, shall disapprove of the reasons given, the commission so given shall be regarded as vacated, and the Governor shall immediately proceed, with the advice and consent of the Senate, to fill such vacancy. Duration of commission.

3668. SEC. 41. Any officer, non-commissioned officer, musician, artificer, or private, of the organized militia of this State, who shall neglect or refuse to rendezvous and organize when ordered out by the Commander-in-Chief, shall be deemed guilty of disobedience of orders, and shall be tried and punished by a Court-martial; and any person of the enrolled militia, who shall refuse or neglect to rendezvous and organize when drafted, as provided in this Act, shall be subject to a fine of not Penalty for refusal to rendezvous less than fifty nor more than five hundred dollars, to be recovered by on action to be brought by the District or Prosecuting Attorney, in the name of the State of Nevada, upon the certificate of the officer appointed to make the draft, before any Court of competent jurisdiction in the county from which such person was drafted, and the fine so recovered shall be paid into the treasury as belonging to the Military Fund of the State.

Substitutes

3669. SEC. 42. Any private of the organized militia, and any person of the enrolled militia, called or drafted into service under the provisions of this Act, may furnish, as a substitute, any person fit for military duty who has not been called or drafted into service.

Duties of Commander-in-Chief.

3670. SEC. 43. The Commander-in-Chief may, in his discretion, order a public parade of all the organized militia of the State, on two days of each year, such parades to be held within the limits of the brigade to which such troops respectively belong; and such public parades shall be reviewed by the Commander-in-Chief, or, in his absence, by the Major General of Division, or by the officer of the brigade of the highest rank present. Immediately after such troops have been reviewed, they shall be inspected by the Inspector General, or, in his absence, by the Division or Brigade Inspector; and such inspecting officer, after a minute inspection of the dress and military bearing of the field officers and commissioned staff, and the officers of companies, and the arms, accouterments, and dress of each soldier, will report the result of such inspection to his commanding officer; *provided*, that upon occasions of reception, or upon the celebration of any event of public importance, the commanding officer of the brigade shall have authority to order out the organized militia to join such parade; two thirds of the commissioned officers of his brigade having first requested him to order such parades, and the parade so ordered is hereby constituted a legal parade; *and, provided further*, that each and every company of the organized militia of the State shall assemble at least once in each week for military instruction; and all members who absent themselves from such meetings, unless properly excused by the commanding officer of such company, or through absence from the county, or bodily disability, shall be debarred from the exemption of jury duty, and subject to expulsion from their company.

Members of organized militia exempt from jury duties.

3671. SEC. 44. All members of the organized militia of this State, commissioned or mustered as such, and all members of the enrolled militia, drafted and mustered into active service under the provisions of this Act, shall be exempt from jury duty, and from serving on any posse comitatus, except when called to do so in their millitary capacity, by the Commander-in-Chief.

Proviso.

Whenever a member of the organized militia shall be summoned as a juror, in order to entitle him to the exemption provided in this section, he shall be required to produce to the Court before which he is summoned, a certificate of the commanding officer of his company, countersigned by the First Sergeant, that he is a member in good standing, fit for active service, and not in arrears for fines or dues; and such certificate shall bear date the day summons is served upon such member, or later. In the case of commissioned officers, or non-commissioned officers of staff, the production of their commissions, or warrants of appointment, and, if required by the Court, their oath, that they are active members of the organized militia of this State, shall be deemed sufficient to exempt them from jury duty. ([a]) [As amended February 12, Stats. 1869, p. 60.]

Officers to produce commission

(a) Jury law, militia not exempt. See Sec. 1051, et seq.

Rules of discipline.

3672. SEC. 45. The rules of discipline and regulations of the army of the United States shall, so far as the same may be applicable, constitute the rules of discipline and regulations of the organized militia of this State; and the rules and articles of war established by Congress for the army of the United States shall be adopted, so far as they may be applicable, for the government of the militia of Nevada in active service.

Courts-martial.

3673. SEC. 46. The Commander-in-Chief will appoint Courts-martial for the trial of general officers and all officers of the staff of the Commander-in-Chief; the Major Generals of Division will appoint Courts-martial for the trial of all staff officers of their divisions and brigades, and for the field and staff officers of battalions and regiments of their respective divisions; and Brigadier Generals will appoint Courts-martial for the trial of all Captains, and commissioned officers under that rank, in their respective brigades; the commanding officers of regiments and battalions will appoint Courts-martial for the trial of all non-commissioned officers, musicians, artificers, and privates, of their respective regiments and battalions. The commanding officer of a single company, not forming a part of any battalion or regiment, shall have power to appoint Courts-martial the same as the commanding officer of a regiment or battalion. The officer appointing a Court-martial will revise the proceedings and approve or disapprove the sentences of such Courts-martial, and will direct the execution of such sentences, or mitigate the punishment, or pardon the person or persons convicted; but the person or persons so sentenced may apply to the Commander-in-Chief to revise the proceedings and to disapprove them, or pardon the offense; in which case, the officer approving the sentence will transmit the proceedings in such case to the Commander-in-Chief, and the execution of the sentence shall be suspended until the proceedings shall be returned, with the decision thereon. Courts-martial appointed under the provisions of this Act shall be organized in like manner, and be subject to the rules and regulations governing Courts-martial in the United States army; they shall have the same power to compel the attendance of witnesses, when duly summoned by the Judge Advocate, to preserve order in and about the Court-room, during their session, and to punish contempts, as the Judges of the District Courts have under the laws of this State.

Removal or absence.

3674. SEC. 47. Any commissioned officer of a brigade or division, who shall remove his residence from the limits of his brigade or division, will be deemed to have resigned his commission, and any Major General or Brigadier General who shall absent himself from the State for more than three months, without the permission of the Commander-in-Chief, shall be deemed to have resigned his office.

Pay of militia.

3675. SEC. 48. Whenever any of the militia of this State shall be called into active service for the space of more than one week, they shall receive the same pay and allowance as United States troops serving in Nevada. Any General or field officer being called into active service, such call shall be deemed to include all the officers of their respective staff. In case a division, or part of a division, is called into active service, the Commander-in-Chief shall be authorized to put upon active service one of his Aids-de-Camp, and in case more than one division shall be called into active service, one more Aid for each additional division which shall be so called into active service.

Return of arms.

3676. SEC. 49. When the Commander-in-Chief shall order the return to the State of any arms, equipments, military stores, or other military property, belonging to the State, such arms and military property shall be immediately delivered to the officers authorized in such order to receive it, he receipting for the same, and describing their condition in such receipts; and if the property mentioned in such order shall not be promptly delivered as directed, the officer named in such order is hereby authorized to take immediate possession of the same, in the name of the State of Nevada; and any person resisting such officer in the performance of his duty, shall be deemed guilty of a *misdemeanor*, punishable by imprisonment for not more than six months in the County Jail, and shall be subject to a fine not exceeding five hundred dollars, to be recovered by an action brought by the District or Prosecuting Attorney, in the name of the State of Nevada, and be paid into the treasury as a part of the Military Fund.

Military Auditors.

3677. SEC. 50. The Commander-in-Chief, Adjutant General, and the Controller of State shall constitute a State Board of Military Auditors. The Commander-in-Chief shall be President, and the Adjutant General shall be Secretary of said Board.

Seal.

3678. SEC. 51. The Board of Military Auditors shall have a seal, an impression of which shall be deposited by the Secretary of the Board in the office of the State Treasurer, and be attached to all orders drawn upon the General or Military Fund.

How money to be drawn.

3679. SEC. 52. No money shall be paid out of the General or Military Fund of this State by the State Treasurer, upon the order of the Board of Military Auditors, except as provided in the foregoing section of this Act; said order shall specify on its face the objects for which such money is paid, and to whom, and the amount duly entered in a book, to be kept by the Secretary of said Board of Military Auditors.

Duty of Board of Auditors.

3680. SEC. 53. It shall be the duty of said Board of Military Auditors to audit and pay all reasonable expenses incurred by volunteer companies in the service of this State, and officers attached to the same, and all other claims required under the provisions of this Act; and the Treasurer of State is hereby required to pay the same out of any moneys in the General or Military Fund not otherwise appropriated. No company shall be deemed in the service of the State, so as to be entitled to the benefit of this section, unless the same has been called out in accordance with the provisions of section thirty-nine of this Act.

3681. SEC. 54. The Secretary of State shall, under the direction of the Governor, prepare and keep in his charge all blank military commissions. He will issue, from time to time, to the Adjutant General, such blank commissions as he may require for use, charging him with the same.

Secretary of State to keep blank commissions.

3682. SEC. 55. All volunteer companies, battalions, and regiments, organized prior to the passage of this Act, shall be deemed to have been organized in compliance with its provisions, and to be entitled to its benefits; but such companies, battalions, and regiments shall be required to comply with all the remaining provisions of this Act; and all military officers of companies, battalions, or regiments, now holding commissions, will be deemed to have been commissioned according to the provisions of this law.

To comply with Act.

3683. SEC. 56. The organized and enrolled militia of this State shall be divided into such number of divisions and brigades as the Commander-in-Chief shall determine. The Governor, as Commander-in-Chief, shall publicly announce the number of divisions and brigades within sixty days after the passage of this Act.

Divisions and brigades.

3684. SEC. 57. Whenever any portion of the organized or enrolled militia shall have been called into active service to suppress an insurrection or rebellion, to disperse a mob, or to enforce the execution of the laws of this State, or of the United States, it shall be competent for the Commander-in-Chief, or the General acting in his place, as provided in section thirty-nine, to place such troops under the temporary direction of the Mayor of any city, or Chairman of the Board of County Commissioners of any county, or of any Sheriff of any county, or of any Marshal of the United States, and if, in the opinion of such civil officer, it shall become necessary that the troops so called out shall fire or charge upon a mob or body of persons assembled to break or resist the laws, such civil officer shall give a written order to that effect to the superior officer present in the command, who will at once proceed to carry out the order, and shall direct the firing and attack to cease only when such mob or unlawful assembly shall have been dispersed, or when ordered to do so by the proper civil authority. No officer, who has been called out to sustain the civil authorities, shall, under any pretense or in compliance with an order, fire blank cartridge upon a mob or unlawful assemblage, under penalty of being cashiered by sentence of a Court-martial; *provided*, that nothing in this section shall be construed as prohibiting any such troops from firing or charging upon such mob or assembly without the orders of such civil officers in case they shall first be attacked or fired upon, or forcibly resisted in the discharge of their duty. When the Commander-in-Chief, or General acting in his place, shall call troops into active service for the purposes mentioned in this section, and shall not place them under the temporary direction of any civil officer, the commanding officer shall use

Civil officers in certain cases may control troops.

Proviso.

his own discretion with respect to the propriety of attacking or firing upon any mob or unlawful assembly.

Collection of fines. 3685. SEC. 58. All fines legally imposed by a Court-martial lawfully constituted after the proceedings and findings of said Court in the premises have been approved as prescribed by this Act, shall be and the same are hereby made collectable by law; and any person failing to pay the same shall be proceeded against by the District or Prosecuting Attorney, in the name of the State of Nevada, as for ordinary debts, in any Court of competent jurisdiction of the county; and a copy of so much of the finding and approval as relates to the imposition and approval of such fine, certified by the officer authorized by law to approve the same, shall be received as evidence in the case; and if judgment be obtained, it shall be collected as in ordinary cases, and shall be paid into the County Treasury as belonging to the Military Fund of the State, and to be accounted for as such.

To publish rules. 3686. SEC. 59. The Commander-in-Chief may, from time to time, make out and publish rules, regulations, and orders for the government of the militia of this State, in accordance with the provisions and spirit of this Act.

To adopt name. 3687. SEC. 60. Any volunteer company may on its organization, or thereafter, adopt a distinctive name, but shall be known by a particular letter or number in the battalion or regiment to which it belongs.

Must belong to one company. 3688. SEC. 61. No person shall be a member of two companies at the same time, and any member of a company who removes beyond the limits of the county, shall be considered as having been discharged from such company.

Minors. 3689. SEC. 62. In the cases of military taxes and fines, assessed and charged against a minor, the parent or guardian shall be held to pay. In case of minors who are orphans, the Commander-in-Chief shall have power to remit any military taxes or fines.

Absence of officers. 3690. SEC. 63. In the absence of any appropriate commander, the next in rank in the command of troops, where not otherwise provided in this Act, shall succeed to his authority.

Authority of officers. 3691. SEC. 64. Every senior, in his appropriate command, shall have authority to control the actions of his junior, in accordance with the principles of military subordination under the laws and usages that govern the United States army.

Cashiered officers. 3692. SEC. 65. Any officer cashiered by sentence of a Court-martial, shall be precluded thereby from holding any commission in the military service of the State, except the sentence be remitted by the Commander-in-Chief.

Dismissed from service. 3693. SEC. 66. No non-commissioned officer, artificer, musician, or private, expelled from his company, or dismissed from service, for any disgraceful cause, shall be permitted to again enter any volunteer company, except the offense be pardoned by the Commander-in-Chief.

Granting discharges. 3694. SEC. 67. No officer, inferior in grade to a regimental or battalion commander, shall have power to grant discharges to non-commissioned officers, artificers, musicians, or privates, in active service; but commanders of companies of the organized militia, when not in active service, may issue certificates of service and discharges. All discharges shall be in writing, and shall set forth fully the cause of discharge, and shall be signed by the officer granting the same.

3695. SEC. 68. Any officer resigning his commission, shall do so in writing, and transmit the same through his immediate commanding officer, who will make his indorsements thereon; and the resignation shall go into effect when accepted by the Commander-in-Chief, and not before. Vacancies of commissioned officers of organized companies and battalions (not in active service) caused by resignation, death, dismissals, or removals, or by the expiration of the term fixed by the rules and regulations of such company or battalion, or by any other cause, shall be filled by election, in accordance with the provisions of this Act. Such elections of company officers shall be presided over by an officer appointed for that purpose by the Brigadier General, and of field officers, by an officer appointed by the Major General; and such presiding officer shall report the result of such election to the officer appointing him, which report shall be transmitted to the Commander-in-Chief, who shall issue commissions in accordance therewith; *provided*, however, that when the same officer shall be elected no new commission shall be issued, but the officer so reëlected shall continue to hold under his original commission. **Resignation.** **Election.** **Proviso.**

3696. SEC. 69. The commission of any staff officer whose term of office depends upon the pleasure of the officer by whom he is appointed, shall, when such officer is not in active service, be considered as vacated upon the qualification of his successor, and shall be so noted upon the proper books, or rolls, kept in the office of the Adjutant General of the State. **Commissions vacated.**

3697. SEC. 70. The Commander-in-Chief is authorized at any time, by issuing his orders to that effect, to disband any portion of the organized volunteer forces, or of the enrolled militia mustered into service, which may evince a mutinous, disorderly, or disobedient spirit, and to deprive them of arms; a copy of which order shall be transmitted to the Clerk of the District Court or Courts of the county or counties in which such force was raised; after which it shall be a misdemeanor in any person so disbanded, to appear with State arms in his possession, or as any portion of the organized volunteer militia, or of the enrolled militia, in active service, until again drafted or regularly mustered into service, under the penalty of not less than ten nor more than one hundred dollars for each offense; and such person shall be proceeded against by the District or Prosecuting Attorney in the name of the State of Nevada, before any competent Court of the county where such person may happen to be; and all fines so recovered and collected shall be paid into the treasury as a part of the Military Fund. **May disband any portion of the militia.**

3698. SEC. 71. Every company, battalion, or regiment of organized militia of this State may adopt a uniform for itself, subject, however, to the approval of the Commander-in-Chief, on inspection and report by the proper officer. [As amended March 2, Stats. 1871, p. 108.] **Uniform.**

3699. SEC. 72. The uniform of all general officers, and members of their staff, and all other officers not required to wear the distinctive uniform of their regiment or corps, shall **Same.**

be similar to that of the corresponding grades and corps in the United States army, with such modifications as may be directed by the Commander-in-Chief for adapting it to State troops.

Tactics.

3700. SEC. 73. The systems of instruction in tactics, prescribed for the different arms and corps in the United States army, shall be followed in the military instruction and practice of the militia of this State, and the use of any other system is forbidden.

To furnish County Clerk with list of members.

3701. SEC. 74. The commanding officer of every organized company shall, during the months of June and December of each year, furnish the County Clerk of his county with a list of the names of the bona fide members of his company, who attend regularly to appropriate duty. He shall also, at the end of each year's service of any member of his company, who has performed duty in accordance with the regulations and bylaws of such company, during the year, issue to such member a certificate to that effect; and if such commander of a company shall make a false list of the members of his company, who have done duty as aforesaid, or a false certificate of service, he shall, on conviction by a Court-martial, be cashiered from service, and shall, moreover, be subject to a fine of not less than fifty nor over five hundred dollars, to be sued for and recovered in the name of the State of Nevada, by the District or Prosecuting Attorney of the county of his residence, in any Court of competent jurisdiction, and be paid into the treasury as a part of the Military Fund of the State.

Relative to Courts-martial.

3702. SEC. 75. The President of any general Court-martial, assembled in pursuance of the provisions of this Act, may make a requisition upon the Sheriff of the county in which the session is held, for a Deputy Sheriff to attend upon such Court as Provost Marshal; and such Deputy Sheriff shall receive for his attendance the same pay and fees, and be subject to the same responsibility, as when attending upon the sessions of a District Court; and the President of any regimental, battalion, or company Court-martial, may make a requisition upon any Constable of the county to act as Provost Marshal of such Court; and such Constable shall receive the same pay and fees as in a Justice's Court; and the pay and fees of such Deputy Sheriff or Constable shall be paid on the certificate of the Judge Advocate and warrant of the Controller of State, by the State Treasurer, from the General Fund, such account being first audited by the Board of Military Auditors.

Bands of music.

3703. SEC. 76. When bands of music shall not have been organized for any regiment, battalion, or isolated company, in the manner provided in the regulations of the army of the United States, it shall be lawful for such regiment, battalion, or isolated company, through its commanding officer, to hire the services of any band of musicians, at their own expense, or if on duty for the State, at the State's expense; and the persons so employed shall, during the time of their engagement, be subject to the same laws and regulations that govern the military body with which they may serve.

3704. SEC. 77. When any person drafted for service shall offer, at or after the time of rendezvous, a suitable substitute, of the age of twenty-one years, and such substitute shall consent in writing to subject himself to all the duties, fines, forfeitures, and punishments to which his principal would have been subject had he personally served, he shall be accepted by the officer making such draft; and the same rule shall apply to substitutes offered by members of organized volunteer companies called into active service, the commanding officer of such company being the judge of the suitableness of the substitute offered; and the person whose substitute shall be so accepted shall be exempted from draft during the term of service of his substitute. Drafting for services

3705. SEC. 78. No action shall be maintained against any member of a Court-marshal, or officer, or agent acting under his authority, on account of the imposition of a fine or the execution of a sentence on a person not liable to military duty, if such person shall have been duly summoned and shall have neglected to appear and show his exemption before the Court. Members of Courts-martial exempt.

3706. SEC. 79. Courts of inquiry may be ordered by the Commander-in-Chief, or by any Major General or Brigadier General; such Courts of inquiry shall be governed by the same rules as similar Courts in the United States army, and they shall have the same power to preserve order, punish contempts, and compel the attendance of witnesses as Courts-marshal have. Courts of inquiry.

3707. SEC. 80. For all services under this Act, Sheriffs, Constables, and Jailers shall receive like fees as for similar services in other cases, and shall be subject to the same penalties for any neglect of duty. Fees.

3708. SEC. 81. The Adjutant General shall have a seal of office, to be approved by the Commander-in-Chief, and all copies of records or papers in his office, duly certified and authenticated under the said seal, shall be in evidence in all cases in like manner as if the originals were produced. Seal.

3709. SEC. 82. On the days of military parade, appointed by the Commander-in-Chief, the militia so called out and doing military duty shall be considered to be under military discipline from the rising to the setting of the sun; and no officer, non-commissioned officer, musician, artificer, or private, belonging to the same during the time aforesaid, shall be subject to be arrested on any civil process. Hours of military duty.

3710. SEC. 83. The commanding officer of any parade, review, or drill, and the officer in charge of any rendezvous, may cause the grounds selected for that purpose to be marked or designated in such a manner as not to obstruct the passage of travelers on any public highway; and if any person during the occupation of such ground for such military purpose shall encroach upon such bounds, and enter upon such ground, without the permission of such officer commanding or in charge, he may be put and kept under guard by the order of such commander, until the setting of the sun of the same day, and, moreover, shall be subject to arrest and punishment by any Court of competent jurisdiction for a breach of the peace. Not to obstruct highway.

3711. SEC. 84. If any person shall intercept, molest, or insult, by abusive words or behavior, any officer, non-commissioned officer, or soldier, while in the performance of his mili-

Penalty for insulting officer or soldier.

tary duty, he shall be immediately put under guard, and kept at the discretion of the commanding officer of the forces engaged in the performance of such military duty, until the setting of the sun of the same day on which the offense shall have been committed; and, moreover, shall be subject to arrest and punishment by any Court of competent jurisdiction for a breach of the peace.

Disobeying orders.

3712. SEC. 85. Any officer, non-commissioned officer, or soldier, on military duty, who shall disobey the legal orders of his superior, use any reproachful or abusive language to his superior, or misbehave or demean himself in an unofficer or unsoldier-like manner, shall be immediately arrested if an officer, and if a non-commissioned officer or soldier, shall be disarmed and put under guard, and shall be tried and punished by a Court-martial, according to law and military usage.

To organize temporarily.

3713. SEC. 86. In case of parades, reviews, inspections, or musters, of the troops of any brigade, any companies not organized into battalions shall be temporarily organized into a battalion for the duties of the day; and the battalion so temporarily organized shall be commanded by the officer senior in rank of the companies composing it. It shall be optional with any such unattached companies to attach themselves for the day to any organized battalion or battalions, or to organize a temporary battalion; but no such temporary battalion shall be organized of less than three companies, if there be any organized battalion or battalions present on duty to which they may attach themselves without exceeding the complement fixed by this Act. If such unattached companies shall not attach or organize themselves in accordance with the provisions of this section, the officer commanding the brigade for the day shall order such assignment or organization.

Exempt from execution.

3714. SEC. 87. Horses and equipments of officers of mounted companies, and all company property of uniformed companies, organized under this Act, shall be exempt from execution.

Acts repealed.

3715. SEC. 88. An Act passed by the Legislative Assembly of the Territory of Nevada, entitled "An Act in relation to the militia of the Territory of Nevada," approved November twenty-eighth, one thousand eight hundred and sixty-one, and all other Acts or parts of Acts of the Territory of Nevada, relating to the militia, are hereby repealed.

For enlistments, bounties, and extra pay of volunteers called into the service of the United States, see Stats. 1865, p. 389.

CHAPTER CXXXIV.

OF THE STATE ORPHANS' HOME.

SECTION 3716. Board of Directors, President, and Secretary.
3717. Powers and duties; record of proceedings; reports; Superintendent and Matron.
3718. Accounts against Home examined; how paid.
3719. Salaries of Superintendent and Matron.
3720. Orphans in Nevada Orphan Asylum.
3721. Orphans declared to be wards of the State.
3722. Orphans, how admitted to Home; notice; expenses of proceedings and transportation, county charge.
3723. Education of the orphans; trades.
3724. Orphans admitted under fourteen years of age; age of majority eighteen years.
3725. Orphans escaping may be recaptured; action may be brought; property of wards.
3726. Board may discharge or apprentice orphans.
3727. Half orphans may be admitted.
3728. Half orphans wards of the State.
3729. Orphans to be returned to guardian, when.
3730. Estimate of supplies to be furnished.
3731. Notice of proposals for supplies.
3732. Duties of Board with respect to supplies.

An Act for the government and maintenance of the State Orphans' Home.

[Approved March 1, 1873, p. 103.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3716. SECTION 1. The administration of the State Orphans' Home shall be under the control of a Board of three Directors, to consist of the Superintendent of Public Instruction, Surveyor General, and State Treasurer. They shall elect from their number a President and Vice President. They shall be known by the name and style of the Directors of the State Orphans' Home. [As amended March 8, Stats. 1873, p. 192.] Board of Directors, President, and Secretary.

3717. SEC. 2. The Directors shall have full power to manage and administer the affairs of said Home, to make by-laws for their own government, and the government of the Home; *provided*, that they are not repugnant to the laws of the United States, or of this State. They shall cause to be kept a record of their proceedings, which shall at all times be open for the inspection of a committee appointed by the Legislature; they Powers and duties. Record of proceedings.

Reports. Superintendent and Matron

shall submit to the Legislature, during the second week of each session, a biennial report, showing the amount of receipts and expenditures, the condition of the Home, the number of orphans and half orphans admitted and discharged during the interval between the regular sessions of the Legislature; they shall have power to erect such additions to the building occupied as the Home (with the appropriations made biennially for its support) as may be necessary for the proper care and accommodation of the inmates; to appoint a Superintendent and Matron, who shall be man and wife, and a teacher, who shall reside at the Home, and have charge of the educational department—said teacher to be duly qualified as is now provided under the State School Law. The Directors shall also have power to employ all other suitable persons necessary to conduct the affairs of the Home.

Accounts against Home examined. How paid.

3718. SEC. 3. All accounts and demands against the State Orphans' Home shall be examined and approved by the Board of Directors before going before the State Board of Examiners, and, when allowed by the Board of Examiners, the Controller of State shall draw his warrant on the State Orphans' Home Fund for that amount.

Salaries of Superintendent and Matron.

3719. SEC. 4. The salary of the Superintendent and Matron shall not exceed in the aggregate two thousand dollars per annum, nor that of the teacher one thousand dollars per annum, nor that of the Secretary three hundred dollars per annum.

Orphans in Nevada Orphan Asylum.

3720. SEC. 5. It is hereby made the duty of the Board of Directors to inform the Trustees of the Nevada Orphan Asylum that they will receive all orphans in their charge, now maintained in any manner by the State, and will bear all the necessary expenses in their removal, at any time when desired by the Trustees of said Nevada Orphan Asylum.

Orphans declared to be wards of the State.

3721. SEC. 6. It is hereby determined and declared that all orphans duly admitted to the State Orphans' Home thereby become the wards of the State of Nevada, and are entitled, under the provisions of this Act, to the care, protection, and guardianship of the State of Nevada; and it is further determined and declared that the State of Nevada, for the care, protection, and guardianship of all such wards, is entitled to their services as herein provided, and has the right to train and educate them for useful places in society, and that such rights of the State are superior to the claims of any and all relations or persons, resident or non-resident.

Orphans, how admitted to Home.

3722. SEC. 7. Upon the application, in writing, of any citizen of the State of Nevada, in behalf of any whole orphan, to the District Judge of any county, showing such orphan to be the child of parents who (or either of them), at the time of decease, were resident citizens of the State of Nevada, and that the condition of said orphan is such that it would be for his or her best interest to be admitted to the State Orphans' Home, and giving the name and place of residence of the nearest relation of such orphan, resident in the State of Nevada, such application being verified by the oath of the party making it, the District Judge, sitting either in chambers or as a Court, shall issue a citation, to be served, respected, and enforced as are other judicial writs, commanding applicant to be and appear before him, at a time and place to be specified, not less than five days thereafter (provided said District Judge may, in his discretion, shorten the time), and make proof concerning the matter in the application set forth, and a notice of the hearing shall be given in like manner to the nearest relation of the orphan, resident in the State. At the same time the Judge shall cite the party having the control or custody of said orphan to bring him or her before the Judge on the date of hearing. On the day of the hearing the Judge or Court shall examine into the matter of the application, and may hear evidence, and require witnesses to be produced before him, and shall examine said orphan separate and apart from all persons; and if the Judge or Court determines that it is for the best interests of such orphan and of the State that he or she shall be admitted to the privileges of the State Orphans' Home, he shall make an order to that effect, and direct the Sheriff or some other suitable person to convey, or have conveyed, said orphan to said Home, accompanied by a copy of the order of the Court, and delivered to any member of the Board of Directors of said Home. Any whole orphan, under the age of ten years, need not be brought before such Judge or Court on the day of hearing mentioned; but on application, in writing, as hereinbefore set forth, of the nearest relation of any such whole orphan, the notice and citation precedent to the hearing may, in the discretion of the Judge, be omitted. The expenses of the proceedings herein provided for, and of the transportation of orphans to the Home, shall be a county charge. Notice. Expenses of proceedings and transportation, county charge.

3723. SEC. 8. All orphans admitted to the State Orphans' Home, shall, under the direction of its Board of Directors, be taught the usual branches of an English education, and the male orphans shall be taught useful trades and occupations, and engaged in useful employment, as the Board of Directors shall order. The female orphans shall be taught the useful occupation of housewifery, and such other useful occupations as the Board of Directors may provide. All labor and occupation shall be fitted to the capacity and best ability of the orphan, as the Board of Directors may determine. Education of the orphans. Trades.

3724. SEC. 9. Upon complying with the requirements of this Act, all orphans under fourteen years of age may be admitted to the State Orphans' Home; and for the purposes of this Act, the age of majority for all orphans that are or may be wards of the State, shall be eighteen years. Orphans admitted under fourteen years of age. Age of majority eighteen years.

3725. SEC. 10. If during the wardship of any orphan in said Home, he or she shall escape or remain absent from said Home without consent of due authority, it shall be lawful and it is hereby made the duty of the Board of Directors, and such officers as they may empower, to pursue and capture such ward and return him or her to the Home; and they are hereby empowered, in the name of the State of Nevada, with the consent of the Attorney General, to bring and maintain a summary action at law, or to sue out a writ of habeas corpus to recover and detain any escaping orphan from such Home. And in case any orphan in said Home shall be or become possessed of property, it shall be the duty of said Board of Directors to appear in any Court or proceeding for the purpose of having appointed Orphans escaping may be recaptured. Action may be brought. Property of wards.

a proper guardian of the estate of such orphan, and at all times to appear, answer for, and represent said orphan for the protection and care of such property.

Board may discharge or apprentice orphans.

3726. SEC. 11. Whenever said Board shall deem it for the best interest of any orphan in said Home, or of the State, they may discharge any orphan therein; and they are hereby empowered, whenever they may deem it meet and proper, to apprentice any orphan in said Home to the head of any family, or to any person carrying on a useful and proper business; but in all such indentures of apprenticeship the Board shall reserve the power to themselves at any time to cancel the same, and reclaim said orphan to the Home whenever in their judgment the best interests of said orphan and the State shall demand.

Half orphans may be admitted.

3727. SEC. 12. Nothing in this Act shall be construed to prevent the Board of Directors, at their discretion, from receiving any half orphan from its living resident parent into said Home upon such terms and under such contract as said Board may determine; and they may require the living parent of any half orphan so admitted to contribute such sum to its support as they may determine.

Half orphans wards of the State.

3728. SEC. 13. Half orphans admitted to the Home are hereby declared and adjudged to be wards of the State as fully as whole orphans, subject only to such conditions of admission as may be fixed by the Board of Directors.

Orphans to be returned to guardian, when.

3729. SEC. 14. The Board, on the certificate of the District Judge of the county from which any orphan or half orphan was sent, that the parent or guardian is competent to resume the guardianship of such orphan, shall release said orphan, and return him or her to such guardian, and such guardian shall be required to pay all the expenses incident to the removal and return of such orphan to his or her guardian.

Estimate of supplies to be furnished.

3730. SEC. 15. It shall be the duty of the Superintendent and Matron to furnish on the first Monday of each quarter of the year, to the Board of Directors, an estimate of all stores, supplies, and fuel required for the use of the State Orphans' Home for the next ensuing three months. The said estimates shall state the kind, quality, and amount of such stores, supplies, and fuel, and shall be filed in the office of the Secretary, always subject to examination.

Notice of proposals for supplies

3731. SEC. 16. The Board of Directors, upon the receipt of said estimate, shall give notice by advertisement, in one daily paper, in Ormsby County, for six days, that sealed proposals will be received for furnishing to the State Orphans' Home the amount, quality, and kind of stores, supplies, and fuel, contained in the quarterly estimate now on file in the office of the Secretary of the Board of Directors of the State Orphans' Home.

Duties of Board with respect to supplies.

3732. SEC. 17. The Board of Directors and Secretary are hereby directed to meet at the office of the Secretary on the first Monday of the second week in each quarter, and then and there open all the sealed proposals. The lowest sealed proposals in price shall be accepted, and noted in the minutes of the Secretary, and the Secretary shall notify the person or persons of the acceptance of their proposal for furnishing the State Orphans' Home with stores, supplies, and fuel; *provided*, the

Board of Directors shall have the right to reject any and all bids from persons not responsible.

CHAPTER CXXXV.

OF THE STATE UNIVERSITY.

SECTION 3733. State University, location of; land and building to be furnished by people of Elko; cost and capacity of building.
3734. Teacher to be appointed, when; salary, how paid.
3735. Board of Regents to manage and control University; terms of admission to be published.
3736. Sale of land; irreducible University Fund created; investment of Fund; interest, etc.
3737. Expenses of Board of Regents.
3738. Money transferred.
3739. Permanent establishment of University.

An Act to locate the State University, and to provide for the control and maintenance of the same.

[Approved March 7, 1873, p. 166.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3733. SECTION 1. The State University, as described in section four of Article XI of the Constitution of Nevada, is hereby located at the Town of Elko, in the State of Nevada; *provided*, that the people of said town do, within one year from the passage hereof, convey or cause to be conveyed to the Board of Regents of the State of Nevada, in trust, for the use and benefit of said University, title to a tract of land of not less than twenty acres, eligibly located within said town, having thereon at least one building furnished and ready for occupancy, suitable for the uses of a Preparatory Department of the University, costing not less than ten thousand dollars, and adapted for the accommodation of not less than one hundred pupils.

State University, location of.

Land and building to be furnished by people of Elko.

Cost and capacity of building.

3734. SEC. 2. The Board of Regents, within three months after the reception of a deed, or if within railroad limits, of a bond for a deed to said tract of land, shall employ at least one duly qualified teacher, at an annual salary not to exceed twenty-four hundred dollars; said teacher shall serve as Principal of the Preparatory Department of the University, and said Regents are hereby authorized to draw their order upon the State Controller quarterly for the payment of his salary, and the Controller shall draw his warrant upon the Treasurer, who

Teacher to be appointed, when.

Salary, how paid.

shall pay the same out of any moneys to the credit of the Contingent University Fund hereinafter created.

Board of Regents to manage and control University.

3735. SEC. 3. The Board of Regents shall have entire control and management of the affairs of the institution hereby established. They shall, by and with the advice of the Principal, arrange a course of study to be pursued in said institution, and shall designate the text books to be employed: They shall determine and publish throughout the State the terms of admission to said institution; *provided*, that the course of study shall be such as is appropriate to an academic or preparatory department, that tuition shall be free, and that none shall be excluded on account of sex, race, or color.

Terms of admission to be published.

Sale of land.

3736. SEC. 4. Immediate selection and sale of the seventy-two sections of land granted this State by Act of Congress, approved July fourth, eighteen hundred and sixty-six, for the establishment and maintenance of a University, is hereby ordered. The moneys arising from the sale of said lands shall be and constitute a Fund to be known as the Irreducible University Fund. Whenever there shall be a sum in said Fund sufficient for investment, the Board of Regents shall direct the State Treasurer to negotiate for investment of the same in United States securities, or in bonds of this State, at the lowest purchasable rates, and the Board shall then draw their order upon the State Controller, in favor of the State Treasurer, for the amount to be invested. Said Controller shall thereupon draw his warrant as directed, and the Treasurer shall complete the purchase of the securities negotiated for by him in pursuance of this Act. The interest derived from said Fund, together with all moneys paid as interest on deferred installments on purchase of lands named in this Act which may be sold under contract as provided in section nine of an Act entitled "An Act to provide for the selection and sale of lands," etc., approved March fourth, eighteen hundred and seventy-one, shall be and constitute a Fund to be known as the Contingent University Fund.

Irreducible University Fund created.

Investment of Fund.

Interest, etc.

Expenses of Board of Regents.

3737. SEC. 5. The necessary expenses incurred by the Board of Regents in the conduct of the University shall be passed upon by the Board of Examiners as other accounts against the State, and paid from the Contingent Fund named in the preceding section, and the sum of four thousand dollars is hereby appropriated from said Fund for such purpose.

Money transferred

3738. SEC. 6. If at any time there shall not be sufficient money in the Contingent Fund for the payment of warrants which have been allowed against the same, the Controller shall cause a sum sufficient to cover the deficiency to be transferred from the General School Fund to said Contingent University Fund.

Permanent establishment of University.

3739. SEC. 7. In consideration of the conveyance of lands having thereon a building as provided in this Act, the State University, designed ultimately to embrace departments of agriculture, mechanic arts, and mining, shall be considered permanently established as herein provided, and if removed for any cause, title to the property named shall revert to the people donating the same.

Agricultural and Mechanical College, located in Washoe County. Act 1865, p. 349.

Seminary of Learning, at Carson. Act 1861, p. 34.

CHAPTER CXXXVI.

OF THE CARE OF THE INDIGENT INSANE.

SECTION 3740. Board of Commissioners constituted.
3741. Quorum; power of Board to purchase buildings, etc.
3742. Debts contracted, how audited and allowed.
3743. District Judge to examine papers on application; physicians.
3744. Appropriation.
3745. Board required to report.

An Act to provide for properly taking care of the indigent insane of the State of Nevada.

[Approved March 3, 1871, p. 111.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Board of Commissioners constituted

3740. SECTION 1. The Governor, State Controller, and State Treasurer, are hereby constituted a Board of Commissioners for the purpose of providing for the care and maintenance of the indigent insane of this State.

Quorum.

Power of Board to purchase buildings, etc.

3741. SEC. 2. A majority of said Board shall constitute a quorum for the transaction of business. The Board, as constituted herein, shall have power to purchase a suitable building or buildings of sufficient capacity for the accommodation of all the indigent insane of this State, and land connected therewith, not exceeding two hundred acres, or to purchase said quantity of land and erect thereon such building or buildings, and cause the insane of the State, now at Stockton, California, to be removed there.

Debts contracted, how audited and allowed.

3742. SEC. 3. All debts, contracted under the provisions of this Act, shall be allowed and audited in the same manner as other proper charges against the State, and it may be lawful for the Board of Commissioners to pay for any land or lands and buildings, purchased with the bonds of this State issued under and by virtue of the provisions of this Act, passed at this session of the Legislature, entitled "An Act to authorize a State loan for the purpose of paying the State proportion of the bonds issued under the Act approved February sixth, one thousand eight hundred and sixty-seven, and to fund the floating debt and place the State upon a permanent cash basis."

District Judge to examine papers on application

3743. SEC. 4. From and after the passage of this Act, it shall be the duty of the Judge of the District Court, in each judicial district in this State, upon the application of any person under oath, setting forth that any person by reason of insanity is unsafe to be at large, or is suffering under mental derangement, to cause the said person to be brought before him at such time and place as he may direct; and the said Judge shall also cause to appear, at the same time and place, one or more licensed practicing physicians, who shall proceed to examine the person alleged to be insane; and if said physicians, after careful examination, shall certify upon oath that the charge is correct, and if the Judge is satisfied that such person is, by reason of insanity, unsafe to be at large, and is incompetent to provide for his or her own proper care and support, and has no property applicable for such purpose, and no kindred in the degree of husband or wife, father or mother, children, brothers or sisters, living within this State, of sufficient means and ability to provide properly for such care and support, he shall cause the said indigent insane person to be conveyed to the Insane Asylum of this State, at the cost and expense of the county from which such person shall come, and place the said person in charge of the proper person having charge of said Asylum, together with a copy of the complaint, commitment, and physician's certificate, which shall be in such form as the Secretary of State shall prescribe.

Physicians.

Appropriation.

3744. SEC. 5. The sum of fifty thousand dollars is hereby appropriated out of any moneys now in or hereafter coming into the State Treasury, not otherwise specially appropriated, for the purpose of carrying out the provisions of this Act, during the years eighteen hundred and seventy-one and eighteen hundred and seventy-two; and all sums due for the support, care, clothing, and all other needful expenses, when certified by said Board of Commissioners and approved by the Board of Examiners, shall be audited by the Controller and paid by the State Treasurer out of the Fund hereby created.

Board required to report.

3745. SEC. 6. It shall be the duty of said Board to make a full report of all its proceedings under this Act to the Legislature at each session thereof.

CHAPTER CXXXVII.

OF THE EDUCATION OF THE DEAF, DUMB, AND BLIND.

SECTION 3746. Duty of Superintendent of Public Instruction in relation to the deaf, dumb, and blind.
3747. Application, how made; Superintendent to issue certificate.
3748. Persons entitled to benefit of this Act; duty of Boards of County Commissioners and Superintendent of Public Instruction.

An Act to provide for the education of the Deaf and Dumb and the Blind of the State of Nevada.

[Approved March 2, 1869, p. 103.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3746. SECTION 1. The Superintendent of Public Instruction is authorized and required to make arrangements with the Directors of the Institution for the Deaf and Dumb and the Blind, at San Francisco, in the State of California, for the admission, support, education, and care of the deaf and dumb and the blind of this State, and for that purpose is hereby empowered to make all needful contracts and agreements with said Directors to carry out the provisions of this Act. Duty of Superintendent of Public Instruction in relation to the deaf, dumb, and blind.

3747. SEC. 2. Upon the application, under oath, of a parent or nearest friend of any deaf, dumb, or blind person, resident of this State, setting forth that by reason of deafness, dumbness, or blindness, such person is disqualified from being taught by the ordinary process of instruction, and that the parents or guardian of said person are unable to pay for his or her support and education in the aforesaid Institution, and file the same with the Board of County Commissioners of the proper county, and such Board shall be satisfied of the truth thereof, and such Board shall have made application to the Superintendent of Public Instruction for that purpose, it shall be the duty of the Superintendent of Public Instruction to issue a certificate to that effect; which certificate, being produced, shall be the authority of the Directors of the Institution aforesaid for receiving such deaf and dumb or blind person as a pupil. Application, how made. Superintendent to issue certificate.

SEC. 3. [Obsolete.]

3748. SEC. 4. All deaf and dumb or blind persons between the ages of eight and twenty-one years, that are not mentally or physically incapacitated to receive an education, that are free from offensive or contagious diseases, and whose parents or guardians reside in the State of Nevada, and are not able to Persons entitled to benefit of this Act.

Duty of Boards of County Commissioners and Superintendent of Public Instruction.

pay for their support and education in the aforesaid Institution, shall be entitled to the benefits intended by this Act; and it is hereby made the duty of the Board of County Commissioners of such county to make provisions, at the expense of the county carrying such pupil to the office of the Superintendent of Public Instruction, who shall make necessary arrangements for carrying the pupil to the Institution of instruction before mentioned, at the expense of the State, payable out of the Fund provided by this Act.

CHAPTER CXXXVIII.

OF THE SUPPORT OF THE POOR.

SECTION 3749. Commissioners to superintend.
3750. Relatives to support in certain cases; forfeit for neglect of relatives; intemperance.
3751. Relatives called upon for.
3752. County support.
3753. County Commissioners to apprentice minors.
3754. Sick paupers; death and burial; allowance.
3755. Commissioners to require satisfactory evidence of residence.
3756. When pauper entitled to relief; temporary relief; notice to Commissioners of county where pauper last resided; pauper to be removed; compensation for temporary relief.
3757. When not entitled to relief.
3758. County workhouses.
3759. Penalty for transporting paupers.

An Act relating to the support of the poor.

[Approved November 29, 1861, p. 178.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

Commissioners to superintend.

3749. SECTION 1. The Boards of County Commissioners of the several counties of this State are hereby vested with entire and exclusive superintendence of the poor in their respective counties.

Relatives to support in certain cases.

3750. SEC. 2. Every poor person who shall be unable to earn a livelihood in consequence of bodily infirmity, idiocy, lunacy, or other cause, shall be supported by the father, grandfather, mother, grandmother, children, grandchildren, brothers, or sisters of such poor person, if they, or either of them, be of sufficient ability; and every person who shall fail to support his or her father, grandfather, mother, grandmother, child, grandchild, sister, or brother, when directed by the Board of Com-

Forfeit for neglect of relatives.

Intemperance.

missioners of the county where such poor person shall be found, whether such relatives reside in the county or not, shall forfeit and pay to the county, for the use of the poor of their county, the sum of thirty dollars per month, to be recovered in the name of the County Commissioners for the use of the poor, as aforesaid, before any Justice of the Peace, or any Court having jurisdiction; *provided*, that when any person becomes a pauper from intemperance, or other bad conduct, he shall not be entitled to any support from any relation, except parent and child.

Relatives called upon for.

3751. SEC. 3. The children shall be first called on to support their parents, if there be children of sufficient ability; if there be none, the parents of such poor persons shall be next called upon, and if there be no parents or children of sufficient ability, the brothers and sisters shall be next called on; and if there be no brothers and sisters, the grandchildren of such poor person shall be called on, and then the grandparents; but married females, whilst their husbands live, shall not be liable to a suit, except that in cases where the grandchildren shall become paupers, the grandparents shall not be liable for but one half the amount of such charge, or vice versa.

County support.

3752. SEC. 4. When any poor person shall not have relatives in any county in this State, as are named in the preceding section, or such relatives shall not be of sufficient ability, or shall fail or refuse to maintain such pauper, then the said pauper shall receive such relief as the case may require, out of the County Treasury, and the County Commissioners may either make a contract for the necessary maintenance of the poor, or appoint such agents as they may deem necessary to oversee and provide for the same.

County Commissioners to apprentice minors.

3753. SEC. 5. When any minor shall become, or be likely to become, chargeable to the county, either because of being an orphan, or because the parents, or other relations, as aforesaid, are unable, or refuse, to support such minor, it shall be the duty of the County Commissioners to bind such minor, as an apprentice, to some respectable householder of the county, by written indenture, which shall bind such minor to serve as an apprentice, and shall, in all respects, be to the tenor and effect as required in the Act concerning apprentices, and, in the absence of such law, in such manner as they shall deem for the best interests of said minor.

Sick paupers.

Death and burial.

Allowance.

3754. SEC. 6. When any non-resident, or any other person not coming within the definition of a pauper, shall fall sick in any county of this State, not having money or property to pay his board, nursing, or medical aid, it shall be the duty of the Commissioners of the proper county, on complaint being made, to give, or order to be given, such assistance to such poor person as they may deem just and necessary; and if said sick person shall die, then the said Commissioners shall give, or order to be given, to such person, a decent burial; and the said Commissioners shall make such allowance for board, nursing, medical aid, or burial expenses, as they shall deem just and equitable, and order the same to be paid out of the County Treasury.

3755. SEC. 7. When an application is made by any pauper to the Board of County Commissioners of any county in this

Commissioners to require satisfactory evidence of residence.

State, for relief, it shall be necessary for said Commissioners to require of said pauper satisfactory evidence that he or she has been a resident of said county for six months immediately preceding the day upon which such application is made, or if such is not the case, satisfactory evidence in regard to where said pauper last resided for six months prior to arrival in the county where such application is made. [As amended March 13, Stats. 1867, p. 116.]

When pauper entitled to relief.

3756. SEC. 8. When application is made by any pauper to the Board of County Commissioners aforesaid, and it shall appear to the satisfaction of said Board that the person so applying for relief has resided in said county agreeably to the provisions of the foregoing section of this Act, said pauper shall be entitled to all of the relief provided by this Act; but if, on the contrary, it shall appear to the satisfaction of said Board, that such pauper has not been a resident of said county agreeable to the provisions of the foregoing section, but that said pauper, previous to removing to the said county where said application is made, was a resident of some other county of this State, said Board shall provide temporary relief for said pauper, and immediately notify the Board of County Commissioners of the county where said pauper last had a residence for six months, and said notice shall be in writing, duly attested by the Clerk of the Board of County Commissioners, and deposited in the Post Office, addressed to the Board of County Commissioners of said county, and it shall be the duty of the Board of County Commissioners receiving said notice to cause said pauper to be immediately removed to their county, and pay a reasonable compensation for the temporary relief afforded, and if said Board of Commissioners neglect or refuse to remove said pauper, the county affording relief shall have a legal claim against said county for all relief necessarily furnished, and may recover the same in a suit at law. [As amended March 13, Stats. 1867, p. 117.]

Temporary relief.

Notice to Commissioners of county where pauper last resided.

Pauper to be removed.

Compensation for temporary relief.

When not entitled to relief.

3757. SEC. 9. After service of such notice, as aforesaid, no pauper shall be entitled to relief from such county, unless the County Commissioners shall deem it absolutely necessary.

County workhouses.

3758. SEC. 10. The Board of County Commissioners of any county in this State may, if they think proper, cause to be built or provided in their respective counties workhouses for the accommodation and employment of such paupers as may from time to time become a county charge, and said workhouse and paupers shall be under such rules and regulations as said Board of Commissioners may deem proper and just.

Penalty for transporting paupers

3759. SEC. 11. If any person shall bring and leave any pauper in any county in this State, wherein such pauper is not lawfully settled, knowing him to be a pauper, he shall forfeit and pay the sum of one hundred dollars for every such offense, to be sued for and recovered by and to the use of such county in a civil action before any Court having jurisdiction of the same.

CHAPTER CXXXIX.

OF THE TERRITORIAL PRISON.

SECTION 3760. Board of Commissioners.
3761. Purchase of prison building.

SALARIES AND ACCOUNTS.

3762. Controller to draw warrants on Treasurer.
3763. Warden to report to Legislature.
3764. Acts repealed.

ESCAPE AND RECAPTURE.

3765. Warden may issue warrant for escaped prisoners.
3766. Expenses for recapture a charge against the State; exceptions.

An Act to provide for a Territorial Prison.

[Approved February 20, 1864, p. 66.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

Board of Commissioners.

3760. SECTION 1. The Secretary of the Territory, the Territorial Auditor, and Treasurer, shall constitute a Board of Prison Commissioners, with power to contract and manage the Territorial Prison, and with such powers as are in this Act specified. ([a])

[a] The Governor, Secretary of State, and Attorney General are made Board of State Prison Commissioners.—Constitution, Art. V, Sec. 21.

Purchase of prison building.

3761. SEC. 2. The said Commissioners shall, on or before the first day of March, eighteen hundred and sixty-four, contract with Abram Curry for the purchase of the building now occupied for a Territorial Prison, together with twenty acres of land, including the stone quarry, with all improvements, implements, arms, and mechanics' tools belonging to or now used for the labor and security of the prisoners. The said Curry shall make a deed of conveyance of the said premises to the people of Nevada Territory, particularly describing the same; and upon the execution, acknowledgment, and delivery of such deed, the Territorial Auditor shall, by order of the Board of Commissioners, issue bonds of the Territory for the sum of eighty thousand dollars, as follows: One for twenty thousand dollars, payable out of any money in the treasury unappropriated; and three, each for twenty thousand dollars, payable respectively in one, two, and three years, out of any unappropriated money in the treasury; and all of said bonds shall bear interest at the rate of ten per cent per annum from their date until paid; said interest to be paid semi-annually. ([b])

[b] The balance of this Act is repealed.—See Sec. 3764.

An Act supplemental to an Act to provide for the government of the State Prison, approved March fourth, one thousand eight hundred and sixty-five, and to repeal certain Acts in relation thereto.

[Approved March 14, 1865, p. 400.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Controller to draw warrants on Treasurer.

3762. SECTION 1. The Controller of State is hereby authorized and directed to draw his warrants on the State Treasury, payable out of the State Prison Fund, for all accounts allowed by the Board of Prison Commissioners, on presentation; also, to draw his warrant in favor of the Warden, for his salary, as provided by law; and the Treasurer of State is hereby authorized and directed to pay the same out of the State Prison Fund.

SEC. 2. [Obsolete.]

SEC. 3. [Obsolete.]

Warden to report to Legislature

3763. SEC. 4. It is hereby made the duty of the Warden to prepare and submit to the Legislature, at the commencement of each session, a full and complete statement of all matters pertaining to the Prison for the preceding year ending on the thirty-first day of December, setting forth the number of prisoners, their age, sex, time of incarceration, with the sentence, and where from; also, a complete financial review, showing the current expenses of the fiscal year, with estimates for the ensuing year.

Acts repealed.

3764. SEC. 5. All Acts of the Territorial Legislature relating to State Prison, except so much as pertains to the purchase of the Prison property, are hereby repealed.

An Act concerning escaped prisoners and the recapture of the same.

[Approved March 1, 1866, p. 164.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Warden may issue warrant for escaped prisoners.

3765. SECTION 1. Hereafter, when any prisoner or prisoners escape from the State Prison of this State, it shall be lawful for the Warden of the State Prison to issue a warrant for the recapture of said escaped prisoner or prisoners, which warrant shall have force and effect in any county in this State, and may command the Sheriff of any county in this State, or any Constable thereof, or any police officer of any city in this State, to arrest said prisoner or prisoners, and make return to the Warden, with the prisoner or prisoners who may be arrested under said warrant.

Expenses for recapture a charge against the State.

3766. SEC. 2. Any and all expenses of enforcing the provisions of this Act, or in any wise appertaining to the recapture and return of escaped convicts to the State Prison, shall be a charge against the State, and shall be paid out of the State Prison Fund; *provided, however*, that said escape be not the result of carelessness, incompetency, or other official delinquency of the Warden or other officers of the State Prison. Exceptions

CHAPTER CXL.

OF THE STATE PRISON, ERECTION, AND GOVERNMENT THEREOF.

SECTION 3767. State Prison to be erected.
3768. Capacity of prison building.
3769. State Building Fund created; surplus in Capitol Fund to be transferred; tax continued.
3770. Prison labor to be used.
3771. Claims submitted to Board of Examiners.

GOVERNMENT OF PRISON.

3772. Board of State Prison Commissioners, powers of.
3773. Officers of Board.
3774. Secretary to keep record.
3775. Warden, when selected; salary of.
3776. Board of Commissioners; Warden, duties of; monthly report; commitments; mileage of Sheriffs.
3777. Residence of Warden; monthly estimates; Board to furnish supplies.
3778. Accounts to be certified by Warden; salaries, etc., to be certified.
3779. Sealed proposals for furnishing supplies; notice, etc.
3780. Labor of convicts.
3781. Employment of prisoners away from prison.
3782. Escaped convicts, when employed away from prison.
3783. Prison extended over places of labor.
3784. Moneys received to be paid into Prison Fund; Secretary to report to Controller.
3785. Action for money due for labor or materials.
3786. Inspection of books and papers.
3787. Divine service at prison; Bible, etc.
3788. United States criminals, expenses of.
3789. Rules and regulations of prison.
3790. Penalty for violation of rules.
3791. Commutation of sentence upon good behavior; forfeiture of commutation.
3792. Board to make rules; debts and credits for conduct to be reported to the Governor.
3793. Warden to give bond.
3794. Acts repealed; compensation of present Warden.

An Act to provide for the erection of a State Prison.

[Approved March 7, 1873, p. 168.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

State Prison to be erected.

3767. SECTION 1. The Board of State Prison Commissioners are hereby authorized to purchase the necessary lands, and erect thereon a State Prison.

Capacity of prison building.

3768. SEC. 2. The plan of the Prison shall be such that when the building is completed it shall be ample for the accommodation of three hundred (300) prisoners. So much of the building as may be necessary to accommodate one hundred and twenty-five (125) prisoners to be completed as soon as practicable after the Board shall have determined to erect said Prison.

State Building Fund created.

3769. SEC. 3. For the purposes recited in the title of this Act, and for the erection of such other buildings as the State may require for State Prison purposes, a Fund is hereby created, that shall be known and designated as the State Building Fund.

Surplus in Capitol Fund to be transferred

Into said Fund shall be transferred any surplus remaining in the "State Capitol Fund," after all the outstanding warrants against said "State Capitol Fund" shall have been fully paid. And the tax of one eighth of one per cent, heretofore levied as a "State Capitol Fund Tax," shall, after the outstanding warrants against said Fund have been paid, be continued as a "State Building Fund Tax," and the proceeds thereof be paid into said "State Building Fund." One hundred thousand dollars ($100,000) of the first moneys coming into said "State Building Fund" are hereby appropriated for the purchase of the necessary lands, and the erection thereon of a State Prison, as provided in this Act.

Tax continued.

Prison labor to be used.

3770. SEC. 4. The Board of State Prison Commissioners are hereby authorized and empowered to use the labor of the prisoners confined in the State Prison in the erection of the State Prison provided for in this Act.

Claims submitted to Board of Examiners.

3771. SEC. 5. All claims under the operation of this Act shall be submitted to the State Board of Examiners, audited by the State Controller, and paid out of the "State Building Fund."

An Act to provide for the government of the State Prison of the State of Nevada.

[Approved March 7, 1873, p. 181.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Board of State Prison Commissioners, powers of.

3772. SECTION 1. The government of the State Prison of this State shall be under the control of the Board of State Prison Commissioners, as named in section twenty-one of Article five of the Constitution of this State, who shall have full and exclusive control of, and over, all the State Prison grounds, buildings, prisoners, Prison labor, Prison property, and all other things belonging or appertaining to said Prison, and shall establish such rules, regulations, and by-laws, for the government and regulation thereof, as they may deem proper, and shall, from time to time, visit the Prison, examine into its affairs and government, and, from personal observation and conference with the officers, change, alter, or abolish the same, as, in their judgment, may be found necessary for the well-being thereof.

3773. SEC. 2. The Governor shall be the President, and the Secretary of State Secretary of the Board; and any two thereof shall be a quorum, with full power to transact any business that may be required of such Board. Officers of Board.

3774. SEC. 3. It shall be the duty of the Secretary to keep or cause to be kept, a full and complete account, in a book, or books, to be kept for that purpose, of all the transactions and proceedings of the Board, wherein shall be recorded all rules, regulations, and by-laws for the government of the Prison. Secretary to keep record.

3775. SEC. 4. The State Prison Commissioners shall meet on the first Monday of April, A. D. eighteen hundred and seventy-three, for the purpose of selecting a Warden of the State Prison; and the person so selected shall be the chief executive officer of said Prison, subject at all times to the order and direction of said Board, who shall have power at any time to discharge and remove said Warden, whenever, in the judgment of said Board, it shall be deemed proper and for the interest of the State. The Warden so selected shall receive a salary not to exceed three thousand dollars per annum, and shall perform the duties hereinafter specified. Warden, when selected. Salary of.

3776. SEC. 5. The Board of Commissioners shall appoint all necessary help, and have the general superintendence of the business of the Prison and Prison labor, and shall direct the Warden thereof to keep, or cause to be kept, a book, wherein shall be recorded the name, age, sex, occupation, place of birth, where sent from, the crime charged, date of incarceration, and expiration of the term for which the prisoners therein confined were sentenced, and shall make out a correct monthly report of the same, and file such report with the Secretary of the Board; and shall securely and carefully file in his office all commitments of prisoners that may be sent to the State Prison, and keep, or cause to be kept, a correct account, and certify any mileage that may be due to any Sheriff or deputy for conveying prisoners to the State Prison. Board of Commissioners. Warden, duties of. Monthly report. Commitments. Mileage of Sheriffs.

3777. SEC. 6. The Warden shall reside at the State Prison, and shall, within five days before the expiration of each month, make out a complete statement of the probable or estimated amount of clothing, provisions, medicines, and all other stores and necessaries, and character and quality of the same, and make a requisition upon the Commissioners; and they shall, as soon thereafter as possible, furnish, or cause to be furnished, the articles, provisions, or stores thus required, or so much thereof as they may deem necessary for the use of the Prison during the ensuing month; *provided*, that no supplies shall be Residence of Warden. Monthly estimates. Board to furnish supplies.

purchased or articles furnished the Prison at a greater price than the usual market rates for such articles; *and, provided further*, that nothing herein contained shall be so construed as to prevent the Commissioners from furnishing any necessary article, at any time, not enumerated in the monthly requisition of the Warden, or from purchasing or contracting for a greater than a monthly supply of any article used in said Prison, when deemed for the best interest of the State.

Accounts to be certified by Warden

3778. SEC. 7. All accounts for provisions, clothing, medicines, fuel, lights, or other supplies or stores furnished to the State Prison, as prescribed in the preceding section, shall be presented to the Warden, and if the articles therein enumerated shall have been received he shall so certify, and the account so certified shall be delivered to the Secretary of the Board, and if the account be correct and the articles therein named were purchased or ordered by the Board, they shall audit and allow the claim. All claims for salaries, repairs, buildings, or labor shall be certified to by the Warden, presented, allowed, and paid as other indebtedness against the State Prison.

Salaries, etc., to be certified.

Sealed proposals for furnishing supplies

3779. SEC. 8. The Board of Commissioners may, whenever in their judgment it would be for the best interest of the State, advertise for sealed proposals for the furnishing of supplies to the State Prison. Notice of the time and place of the letting of each contract shall be given for at least two consecutive weeks, in some newspaper published within this State. Such notice shall state the character, quality, and quantity of the supplies required, and any person may bid for the furnishing of all or any part of the articles enumerated in the notice; *provided*, that no contract shall be for furnishing more than one year's supplies, as estimated by the Warden.

Notice, etc

Labor of convicts.

3780. SEC. 9. The Board of Commissioners may, in their discretion, cause the prisoners, or any number of them, to be employed in any mechanical pursuits and at hard labor, and furnish such convicts thus employed with any material that may be deemed necessary, in the same manner as is provided for the furnishing of supplies and stores to the State Prison, and they shall, in all respects, have the exclusive control of the employment of the convicts, and may from time to time employ them in such manner as, in their opinion, will best subserve the interest of the State and welfare of the prisoners.

Employment of prisoners away from prison.

3781. SEC. 10. If, at any time, the Board of Commissioners be of the opinion that it would be to the interest of the State to employ any portion of the prisoners without the walls or inclosures of the State Prison, either in improvement of the public grounds or buildings, or for hire upon any private works where they may be profitably employed, within a reasonable distance from the Prison, they shall in that case direct the Warden accordingly, in writing, and cause a record of such order to be entered at length on the records of the Board.

Escaped convicts when employed away from prison.

3782. SEC. 11. The Warden and officers of the Prison shall incur no forfeiture for the escape of any convict employed without the walls or inclosures of the Prison by order of the Commissioners, or going to or returning from such employment, unless such escape should arise from neglect or violation of law, or the rules, regulations, or by-laws of the Commissioners.

Prison extended over places of labor.

3783. SEC. 12. The State Prison is hereby declared to extend to and over any place or places of employment of the convicts without the walls or inclosures of the Prison, at which convicts may be employed, as provided in section nine of this Act.

Moneys received to be paid into Prison Fund.

3784. SEC. 13. All sums that are now or may hereafter become due to the State for any manufactured article sold, or for labor performed, either within or without the Prison walls or inclosures, shall be certified to under oath by the Warden to the Board of Commissioners, who shall receive and receipt for the same; and all moneys thus received shall be paid into the State Treasury, and the Treasurer shall place the same to the credit of the State Prison Fund, and the Secretary of said Board shall make a report thereof to the Controller, at least once in each quarter.

Secretary to report to Controller.

Action for money due for labor or materials.

3785. SEC. 14. The Board of Commissioners, or either of them, are hereby authorized to commence and maintain an action in their or his own name, for the collection of any debt due, or that may become due, from any person or persons, for any manufactured article sold, labor performed by convicts, for the enforcement of any contracts made by the Commissioners, or damages for the non-fulfillment of any contract; such suits to be commenced and maintained as provided by law in other cases.

Inspection of books and papers.

3786. SEC. 15. All books and papers kept by or under the direction of the Secretary of the Board and the Warden of the State Prison, shall, at all times, on all legal days, be open to the inspection of the Commissioners, all State officers, members of the Legislature, and the Sheriffs of the several counties of this State; and shall, at the expiration of their term of office, be delivered over to their successors.

Divine service at prison.

3787. SEC. 16. It shall be the duty of the Commissioners to provide for the holding of divine service in the State Prison on each Sabbath day, and for that purpose may secure the services of one or more ministers of the Gospel; *provided*, the expense thus incurred shall not exceed the sum of five hundred and twenty dollars per annum. They shall also furnish each convict with a copy of the Bible, and such other books and papers as may be deemed for the well-being of the prisoners.

Bible, etc.

United States criminals, expenses of

3788. SEC. 17. The Commissioners and the Warden of the State Prison are hereby required to receive all criminals sentenced to the State Prison by the authorities of the United States, and to keep them at hard labor or in solitary confinement, agreeably to the order of the Court pronouncing such sentence, until legally discharged therefrom; and the Warden shall certify to the Board the expense of keeping all convicts thus sentenced, and said Board shall certify the same to the State Controller.

Rules and regulations of prison.

3789. SEC. 18. The Board of Commissioners shall, from time to time, cause to be placed in some conspicuous place or places about the Prison, so much of the laws of the State, and the rules, regulations, and by-laws of the State Prison, as relates to the intercourse between visitors to the Prison and the prisoners therein confined.

3790. SEC. 19. Any person who shall violate any of the rules, regulations, or by-laws of the Prison, as adopted and pub-

Penalty for violation of rules.

lished by the State Prison Commissioners, shall be subject to such penalties as may be prescribed by the Commissioners, and proceeded against in such manner as may be prescribed by law and the rules of said Commissioners; *provided*, that no barbarous punishments, by whipping, showering, or otherwise, shall be prescribed by such Board of Commissioners; nor shall convicts, as punishment, be deprived of regular rations of food, and at the same time compelled to work the usual number of hours per day.

Commutation of sentence upon good behavior.

3791. SEC. 20. The Board of Commissioners are hereby authorized and required to grant to any convict confined in the State Prison, who shall well behave himself, and who shall perform regular labor during good health, either within or without the State Prison inclosures, a credit of five days for each month of such regular work and good behavior; such credit to be computed in favor of any such convict as a commutation of sentence, and to be deducted from the entire term of penal servitude to which such convict shall have been sentenced; *provided*, that said rule of commutation shall be so applied that the five days of credit thus earned or allowed shall be forfeited by any refusal to labor, breach of the Prison rules, or other misconduct, as may be hereafter prescribed by the Commissioners, during the month next succeeding that in which such credit may have been allowed.

Forfeiture of commutation.

Board to make rules.

3792. SEC. 21. The Board of Commissioners shall make such regulations as may be necessary to comply with the provisions of the preceding section of this Act, and shall establish a scale or rate of debits and credits for meritorious conduct or misconduct, which shall accompany the rules of the Prison; and the Warden shall keep, or cause to be kept, a book, in which shall be entered up at the end of each month the result of credits or debits to which each convict may be entitled, and report the same to the Governor for the use and benefit of the pardoning Board; and said Board shall take into consideration all debits and credits thus furnished, while considering upon application for pardons.

Debits and credits for conduct to be reported to Governor

Warden to give bond.

3793. SEC. 22. The Warden shall, before entering upon the discharge of his duties as such officer, execute a bond in such sum as the Board of Commissioners shall designate; and said Board shall have the right at any time to require of such Warden a new or additional bond for the faithful discharge of his duties, which bond shall be given to the State of Nevada, approved by the Board of Commissioners, and filed with the Secretary of State.

Acts repealed.

3794. SEC. 23. An Act entitled "An Act to provide for the government of the State Prison of the State of Nevada," approved March fourth, eighteen hundred and sixty-five, and an Act entitled "An Act to amend an Act entitled 'An Act to provide for the government of the State Prison of the State of Nevada,' approved March fourth, eighteen hundred and sixty-five," approved March thirteenth, eighteen hundred and sixty-seven, and all Acts and parts of Acts in conflict with the provisions of this Act, are hereby repealed; *provided*, nothing in this Act contained shall be so construed as to in any manner interfere with, or deprive the present ex officio Warden of the compensation as named in section twenty-five of the Act hereby repealed, during the term for which he has been elected Lieutenant Governor of this State. And the sum of eight thousand ($8,000) dollars is hereby appropriated out of any money coming into the General Fund, not otherwise appropriated, for the payment of the salary of the Lieutenant Governor, for house rent, furniture, and the necessary provisions for his table; and the Controller is hereby authorized and directed to draw his warrant in favor of the said Lieutenant Governor for the said amount at the same time and in the same manner as warrants are drawn in favor of all other State officers, and the State Treasurer is hereby directed to pay the same. Compensation of present Warden.

CHAPTER CXLI.

OF PARDONS AND COMMUTATION OF PUNISHMENTS.

SECTION 3795. Proceedings when fine, etc., remitted.
3796. Proceedings when death penalty is remitted.
3797. Notice of application, what to set forth; how served; when served; restoration to citizenship; order of discharge.
3798. Notice not to include liability on bail bond.

An Act to regulate and make effectual the power of the Governor, Justices of the Supreme Court, and Attorney General, to remit fines and forfeitures, commute punishments, and grant pardons after convictions.

[Approved February 8, 1867, p. 53.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3795. SECTION 1. Whenever the Governor, Justices of the Supreme Court, and Attorney General, or the major part of them, the Governor being one, shall remit any judgment of fine or forfeiture, a certificate reciting the fine or forfeiture remitted, duly signed and tested with the great seal of the State, shall be filed in the Clerk's office of the Court wherein the judgment of fine or forfeiture was entered, and the Clerk shall make an entry in the judgment docket or other proper place, showing that the fine or forfeiture is remitted; which filing and entry shall be evidence of the satisfaction thereof. (1) Proceedings when fine, etc., remitted.

(1) The Governor of the State of Nevada could not pardon without the concurrence of at least two other members of the Board in whom the pardoning power is vested by the Constitution.—Ex Parte Janes, 1 Nev., p. 319.

Proceedings when death penalty is remitted.

3796. SEC. 2. Whenever any punishment involving the death penalty is commuted, a statement in writing shall be made out and signed, reciting the name of the person whose punishment is commuted, and the time and place where convicted; also, the amount, kind, and character of punishment substituted instead of the death penalty, and the place where the substituted punishment is to be served out or suffered, and directed to the proper officer or authority charged by law with the safe keeping and execution of the punishment; which statement, tested with the great seal of this State, shall be sufficient authority for such officer or authority to receive and retain the person named in the statement as therein directed, and the officer or authority named in the statement must receive the person whose punishment has been commuted, and retain him as directed.

Notice of application, what to set forth.

3797. SEC. 3. Any person intending to apply to have a fine or forfeiture remitted, or a punishment commuted, or a pardon granted, or some one in his behalf, shall make out duplicate copies of notices in writing of such application, specifying therein the Court in which the judgment was rendered, the amount of the fine or forfeiture, or kind or character of punishment, and the name of the person in whose favor the application is intended to be made, and the time when the application will be presented; one of which he shall serve on the District Attorney of the proper county, and one on the District Judge of the Court wherein the conviction was had, except in cases of fines and forfeitures, when the copy of notice, instead of being served on the District Judge, shall be served on the Chairman of the Board of County Commissioners of the proper county. The notice shall be served, as herein provided, at least thirty days prior to the presentation of the application, unless a District or Supreme Court Judge, for good cause, prescribe a shorter time. When a pardon is granted for any offense committed, such pardon may or may not include restoration to citizenship. If the pardon include restoration to citizenship, it shall be so stated in the instrument or certificate of pardon; and when granted upon conditions, limitations, or restrictions, the same shall be fully set forth in the instrument as aforesaid. Such instrument or certificate shall also contain an order to the officer having the person in custody to discharge him or her from such custody upon a day to be named in said instrument, upon the conditions, limitations, or restrictions therein named.

How served.

When served.

Restoration to citizenship.

Order of discharge.

Notice not to include liability on bail bond.

3798. SEC. 4. The fines and forfeitures herein mentioned shall not be so construed as to include the remittance or discharge from liability on any bail bond.

CHAPTER CXLII.

OF COMMON JAILS AND PRISONERS THEREOF; PERSONS NOT TO COMMUNICATE WITH PRISONERS.

SECTION 3799. County Jail.
3800. County Commissioners to supervise.
3801. Sheriff to have custody of jail.
3802. Duty of Sheriff to transfer prisoners.
3803. Allowance to prisoners.
3804. Jailer's returns to County Commissioners; penalty for neglect.
3805. Convicts to be hired out; earnings; surplus of.
3806. United States prisoners.
3807. Inability of prisoner to pay fine.
3808. Prisoners may be removed.
3809. Expenses of removal.
ACT TO PREVENT ESCAPES.
3810. Persons not to communicate with prisoners.
3811. Penalty.

An Act in relation to common jails, and the prisoners thereof.

[Approved November 25, 1861, p. 41.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

County Jail.

3799. SECTION 1. There shall be built, or provided, kept, and maintained in good repair, in each county, one common jail, at the expense of the county.

County Commissioners to supervise.

3800. SEC. 2. The County Commissioners shall have the care of building, inspecting, and repairing such jail, and shall, once every three months, inquire into the state thereof, as respects the security thereof, treatment, and condition of the prisoners, and shall take all necessary precautions against escape, sickness, or infection.

Sheriff to have custody of jail.

3801. SEC. 3. The Sheriff shall have the custody of the jail in his county, and of the prisoners therein, and shall keep the same personally, or by his deputy, or by a Jailer or Jailers, by him appointed for that purpose, for whose acts he shall be responsible, and shall furnish all necessary sustenance, bedding, clothing, and fuel for the prisoners committed to his custody; and the County Commissioners are hereby required to allow him, out of the County Treasury, all necessary costs, charges, and expenses thereof. [As amended March 3, Stats. 1866, p. 189.]

3802. SEC. 4. It shall be the duty of the Sheriff, either by himself, his deputy, or by one or more of his Jailers, to transfer all prisoners from his county to whatever place of imprison-

Duty of Sheriff to transfer prisoners.

ment the sentence of the Court may require, at as early a day after said sentence as practicable; and for that purpose the County Commissioners are hereby required to furnish, out of the County Treasury, all necessary costs, charges, and expenses of the prisoner or prisoners, and of the officer or officers having charge thereof, to which shall be added mileage for each officer, at the rate of twenty cents per mile, one way only; and the above provisions shall be applicable in cases where prisoners are taken from prisons to be tried at any Courts in other counties. It is hereby made the duty of the County Commissioners to allow, out of the County Treasury, as in other cases provided, a fair and adequate monthly compensation for the services of all Jailers by the Sheriff employed or appointed. [As amended March 3, Stats. 1866, p. 189.]

Allowance to prisoners

3803. SEC. 5. If any Sheriff, or Jailer, shall defraud any prisoner of his allowance, or shall not allow reasonable allowance and accommodation, he shall forfeit fifty dollars for each offense, to be recovered by an action of debt by the County Commissioners, for the use of the county.

Jailer's returns to County Commissioners.

3804. SEC. 6. Every Jailer, five days prior to the opening of each term of the District Court, in the district in which his county is situate, shall return to the Commissioners of his county a certified list of all the prisoners then in his custody, with the time and causes of their commitment, and the length of the term for which they were committed; and he shall, also, return to said Commissioners, within five days after the close of said term of said Court, the name, and cause, and term of commitment, of every prisoner committed during said term of said Court; and any Jailer, who shall neglect to make such returns, for every such neglect, shall pay a fine not exceeding fifty nor less than twenty dollars, to be imposed at the next succeeding term of said Court, on information of said Commissioners of such neglect; and such fine shall go to the county.

Penalty for neglect.

Convicts to be hired out.

3805. SEC. 7. Every Sheriff may hire out, or put to labor, any person or persons in his custody who shall be convicted of the following crimes: Petit larceny, grand larceny, burglary, assault and battery with intent to commit murder, bribery, perjury, and fraud, taking all necessary means to secure their safe keeping, and shall charge the earnings of said prisoners to himself, for the sustenance of said prisoners. Any surplus that may accrue from such labor shall be paid into the County Treasury.

Earnings.

Surplus of.

United States prisoners.

3806. SEC. 8. Persons may be committed, under the authority of the United States, to any jail, upon payment of the expenses of supporting such prisoners, five dollars per month to the county for the use of the jail, and all legal fees of the Jailer; and the Sheriff shall receive such prisoners, and subject them to the same employment, discipline, and treatment, and be liable for any neglect of duty, as in case of other prisoners; but the county shall, in no case, be liable for any escape.

Inability of prisoner to pay fine.

3807. SEC. 9. Whenever any prisoner, under conviction for any criminal offense, shall be confined in jail for any inability to pay any fine, forfeiture, or costs, or to procure sureties, the District Court, upon satisfactory evidence of such inability, may, in lieu thereof, confine such person in the County Jail, at the rate of two dollars per day, until the fine, forfeiture, or cost so imposed shall have been satisfied.

3808. SEC. 10. Whenever, from any sufficient cause, the Sheriff shall think it expedient that the prisoners be removed from the jail, in his county, on application in writing, to the Governor of the State, by the Sheriff, the Governor may order said prisoners to be removed to some other jail, anywhere within the State, there to be detained in the same manner, and by the same process as in the jail from whence they were removed, until remanded back, by a similar process, or discharged according to law. **Prisoners may be removed.**

3809. SEC. 11. All the expenses of removing and maintaining prisoners, incurred under the preceding section, shall be defrayed by the county from which they were so removed. **Expenses of removal.**

An Act to prevent the escape of prisoners.

[Approved December 10, 1862, p. 9.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

3810. SECTION 1. No person shall visit, or in any manner communicate with any prisoner convicted of or charged with any felony, imprisoned in the County Jail, other than the officer having such prisoner in charge, his attorney, or the District Attorney, except such person has a written permission so to do, signed by the District Attorney, and consented to by the Constable, Sheriff, or Warden, having such prisoner in charge. **Persons not to communicate with prisoners.**

3811. SEC. 2. Any person violating, aiding in, conniving, or participating in the violation of the foregoing section of this Act, shall, on conviction thereof, be fined in any sum not exceeding five thousand dollars, or imprisoned in the State Prison not exceeding one year, or by both such fine and imprisonment. **Penalty.**

CHAPTER CXLIII.

OF THE SELECTION AND SALE OF LANDS GRANTED BY THE UNITED STATES.

SECTION 3812. State Land Office created; Surveyor General, Register ex officio; office and office hours.
3813. Copies of township plats; record of applications.
3814. Register to furnish copies of plats to County Surveyors; duty of County Surveyors.

SECTION 3815. Price of lands; Regents may increase price.
3816. Register to advertise lands for sale; Regents may reduce price.
3817. Applications to purchase.
3818. Register to certify to Controller; Controller shall issue order to Treasurer; receipt; abstract; certificate on completion of purchase; wrong apportionment corrected; when sale not perfected, money to be refunded.
3819. Application after State has acquired title.
3820. Grazing and agricultural lands, how sold; payments; contracts; timber lands.
3821. Land warrants received in payment.
3822. Statements of Treasurer.
3823. Occupant has preferred right; contest, trial, and costs.
3824. Limitation of purchase, three hundred and twenty acres.
3825. Register to select lands applied for; lands of special value.
3826. Form of conveyance; record of patents.
3827. Salaries of Register and deputy; warrant for.
3828. Funds, investment of.
3829. Board of Examiners to audit claims, etc.; compensation of United States land officers.
3830. Acts repealed.

An Act to provide for the selection and sale of lands that have been or may hereafter be granted by the United States to the State of Nevada.

[Approved March 5, 1873, p. 120.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

State Land Office created.

3812. SECTION 1. For the purpose of selecting and disposing of the lands that have been or may hereafter be granted by the United States to the State of Nevada, including the sixteenth and thirty-sixth sections, and those selected in lieu thereof, in accordance with the terms and conditions of the several grants of land by the United States to the State of Nevada, a State Land Office is hereby created, of which the Surveyor General shall be and is hereby made ex officio Land Register. He shall, as such Land Register, be required to give bonds in the sum of ten thousand dollars for the faithful performance of his duties, which bonds shall be approved by the Governor, and filed in the office of the Secretary of State. The Land Register shall keep his office at the seat of government, and the same shall be kept open on all legal days between the hours of ten o'clock A. M. and four o'clock P. M. for the transaction of business.

Surveyor General Register ex officio.

Office and office hours

Copies of township plats.

3813. SEC. 2. The Register shall procure one copy of each township plat of the public surveys now approved or that may hereafter be approved by the proper United States authorities, unless the same shall have been previously obtained; *provided*, that the cost of the same shall not exceed eight dollars each, and shall be made upon drawing paper. He shall keep a record of all applications, and of all lands which have been or may hereafter be approved to the State, and of all lands which have

Record of applications.

been sold by the State, which, together with all plats, papers, and documents relating to the business of his office, shall be open to public inspection during office hours, without fee therefor.

3814. SEC. 3. The Register shall furnish, within a reasonable time, a copy of the plats of townships within any county to the County Surveyor of such county, to be used by him in furnishing such information as the Register may require of him concerning the lands within such townships; and all lands sold by the State shall be reported by the Register to the County Surveyor of the county in which such lands are situated, and said Surveyor shall immediately mark the same upon the township plat in his office, in accordance with the instructions of the Register; and said County Surveyor shall keep such plats subject to the inspection of all persons interested in examining the same, on all legal days, during office hours. Whenever a County Surveyor shall have knowledge of any tract or tracts of land within his county subject to selection by the State, and which for any cause may appear to him to be of special value to the State, he shall report the same to the Register, describing such location with reference to the Government surveys by legal subdivisions, and he shall state fully and definitely in such report his reasons for considering such tract or tracts of special value.

Register to furnish copies of plats to County Surveyors.

Duty of County Surveyors.

3815. SEC. 4. The minimum price of all lands embraced in this Act, not included within the twenty miles Central Pacific Railroad limits, is hereby fixed at one and one fourth dollars per acre, in currency; and the minimum price of all lands within said twenty miles limit is hereby fixed at two and one half dollars per acre, in currency. But the Board of Regents of this State shall have power to fix a higher price per acre upon any of said lands not settled upon or applied for by individuals prior to the date of such higher price having been fixed.

Price of lands.

Regents may increase price.

3816. SEC. 5. All lands to which the State has acquired title, except those specified in section seven of this Act, when in the opinion of the Board of Regents it shall be advisable for the interests of the State, shall be advertised by the Register as being subject to sale at the minimum price, unless a higher price shall have been fixed thereupon by said Board; and if a higher price shall have been fixed, then at such higher price. And such notice shall specify that such land may be purchased at the price stated at any time within six months after the date of such notice, and if not purchased within such specified time, the Board of Regents may reduce the price; *provided*, they do not reduce it below the minimum price; and the Register thereupon shall readvertise the same at such reduced price.

Register to advertise lands for sale.

Regents may reduce price.

3817. SEC. 6. All applications to purchase lands shall be made in writing to the Land Register, and shall be signed by the applicant, his or her agent, and shall designate, in conformity with the United States survey, the tracts of land applied for, number of acres, price per acre, and amount necessary to purchase such land, and the section of this Act under which the applicant wishes to purchase; also, residence, Post Office address, and county in which such land is located.

Applications to purchase.

Register to certify to Controller.

3818. SEC. 7. Upon the application of any person to purchase land not previously selected by the State, the Land Register shall certify to the State Controller that such person is entitled to apply for the land, describing the same as in the application, which shall accompany said certificate, and said certificate shall state the amount necessary to purchase said land; the Controller shall thereupon issue his order, directing the State Treasurer to receive from such applicant said amount, placing the same into the State School Fund; and upon such payment being made the Treasurer shall issue his receipts in duplicate, describing the land applied for, and he shall, at the same time, enter in his abstract of applications the name or names of the person or persons so applying, number, description of land, date of receipts, and amount paid by the applicant. Upon the return of the application, with the Treasurer's receipt, to the Land Office, the Register shall file the same, which shall complete such application. Whenever purchase can be completed in whole or in part, upon land thus applied for, the Land Register shall certify the same to the Controller and Treasurer each, and shall at once proceed to perfect the sale. Upon thus certifying to the Treasurer the Register shall surrender the Treasurer's receipt therewith issued on payment made by applicant, the duplicate receipt becoming null and void on the completion of such purchase. Should the Controller, upon the receipt of such certificate, find that any payment had been wrongfully apportioned, he shall issue his order, directing the Treasurer to transfer such amount to its proper Fund. If, from the non-approval of the land to the State, or other cause, the contemplated sale cannot be perfected, in whole or in part, then, upon the demand of the applicant, the Land Register shall certify to the Controller that such applicant is entitled to the amount paid by him or her from the non-approval or other cause, as the case may be, and the Controller shall draw his warrant upon the State School Fund for the amount due such applicant, and the same shall be paid by the Treasurer. The Land Register shall, at the same time, certify in like manner to the State Treasurer of the non-approval of such land, returning the receipt filed in his office by such applicant, the duplicate receipt becoming null and void. Upon the application of any person for the purchase of land not previously selected by the State, when such application is accompanied by the Treasurer's receipt, the Land Register shall serve the Surveyor of the county in which such land is situated with a written notice of such application to purchase, and the Surveyor shall post the same conspicuously in his office for the period of sixty days from the date thereof.

Controller shall issue order to Treasurer.

Receipt.

Abstract.

Certificate on completion of purchase.

Wrong apportionment corrected.

When sale not perfected, money to be refunded.

Application after State has acquired title.

3819. SEC. 8. Upon the application of any person or persons for the purchase of land after the State has obtained title thereto, should such person or persons be entitled to purchase, the Land Register shall certify the same to the Controller; said certificate shall be accompanied by such application, as provided in section seven of this Act, whereupon the Controller shall issue his order, directing the Treasurer to receive the amount necessary to purchase such land, placing the same in the Fund specified in the order. Upon payment being made by applicant, the Treasurer shall issue his receipt for the same, and on return of said application, with the receipt, to the State Land Office, the Register shall thereupon file the same and perfect such sale.

3820. SEC. 9. In addition to the mode and manner of sale of the lands belonging to the State, the State Register is hereby further empowered to sell and dispose of any agricultural or grazing lands, payable in installments as hereinafter specified; that is to say, with any party or parties wishing to purchase lands under the provisions of this section, and who shall have made proper application therefor, and duly established his, her, or their right to purchase under the provisions of this Act, the State Register is hereby authorized and required to enter into contract to sell such lands, at such price as the same may be valued for the time being by the proper authority, payable as follows, to wit: one fifth of the amount to be paid at the time of contract, and the balance in nine equal annual installments, with interest at the rate of ten per centum per annum, payable annually upon all deferred installments: *provided*, the purchaser, his or her heirs or assigns, may at any time prior to the maturity of such contract make full payment. All such contracts shall be entered into in writing with the party or parties so purchasing, in which the conditions shall be distinctly expressed, that upon failure to pay the principal and interest thereon as stipulated, the said land shall immediately and unconditionally revert to the State, and be thereafter subject to sale in the same manner and under the same conditions as though no such prior contract and sale had been made. It shall be the duty of the Register to certify each sale, and the terms thereof, to the State Treasurer. And the Register shall at the same time certify to the Controller the amount necessary for the first payment, and for each succeeding payment, until full payment shall have been made, and the Controller, upon the receipt of each such certificate, shall issue his order to the Treasurer, as in section seven of this Act, and upon payment being made by the applicant of the amount specified in the order, the Treasurer shall issue his receipts in duplicate; and when full payment shall have been made, patents shall issue to the purchaser, his or her heirs or assigns, as provided for in section thirteen of this Act; *provided*, that no timbered lands shall be sold unless the whole purchase price shall be paid at the time of application.

Grazing and agricultural lands, how sold.

Payments.

Contracts.

Timber lands.

3821. SEC. 10. The holder of any unlocated land warrant of this State, heretofore issued, shall have the right to use the same in payment for lands which he or she may desire to purchase from the State, and any person holding any of said warrants for one hundred and sixty acres or less, at the rate of two and one half dollars per acre, shall be allowed to surrender the same to the State Treasurer, in full payment for double the number of acres expressed therein, of land valued at one and one fourth dollars per acre. And upon the surrender of such land warrant to the Controller by the Treasurer, properly indorsed, the Controller shall draw his warrant upon the State School Fund, in favor of the State Treasurer, for the amount of said land warrant.

Land warrants received in payment

3822. SEC. 11. The State Treasurer shall render to the State Controller a true and correct statement of the amount of

Statements of Treasurer.

special deposits on hand made by applicants for the purchase of State lands, and the Controller shall thereupon order the same to be transferred from the special deposit account to the State School Fund. All moneys hereafter paid into the treasury on land shall be paid in on an order from the Controller, and all moneys refunded to applicants shall be drawn out upon a warrant issued by the Controller upon the Treasurer, as provided in section seven of this Act. All purchases to be completed or amounts to be refunded upon special deposit receipts issued by E. Rhoades, defaulting Treasurer, and still outstanding, shall be disposed of in the following manner: Whenever purchase can be completed in part or in whole upon land thus applied for, the Land Register shall perfect such sale, surrendering to the Controller the Treasurer's receipts issued by said E. Rhoades, with his certificate of the completion of such sale, and the Controller shall receive and file the same in his office as vouchers. The Register shall, at the same time, also certify such sale to the Treasurer. And whenever, for non-approval of the land to the State or other cause, the contemplated sale cannot be completed, the Land Register shall surrender to the Controller said special deposit receipts, with a certificate that said applicant is entitled to the amount paid; and the Controller shall thereupon file such receipts and certificate in his office as vouchers, drawing his warrant upon the proper Fund for said amount, and the Treasurer shall pay the same. The Land Register shall, at the same time, certify the non-approval in like manner to the Treasurer.

Occupant has preferred right.

3823. SEC. 12. An occupant or party in possession shall have a preferred right to purchase not exceeding three hundred and twenty acres of land, at the minimum price, for the period of six months after the date of approval to the State of the lands occupied or possessed by him or her; and when two or more persons, claiming a preferred right by reason of occupancy or possession, apply to purchase the same lands, the Register shall certify such applications to the District Court of the county in which such lands are situated, and notify the contesting applicants thereof. The Judge or Court shall then appoint a Commissioner in the vicinity of the land so in dispute, to take and report to such Court all the testimony of the parties in the case. The contest shall then be tried and determined as ordinary actions in said Court, and when so determined, shall be certified to the Register, who shall proceed thereafter with the successful contestant in the same manner as if he alone had applied in the premises; *provided*, that all costs attending such contest shall be paid by the parties litigant, as the Court or Judge may determine; *and, provided further*, that a preferred right shall be based upon occupancy or possession, dating prior to any application to purchase the land having been filed with the Register. When two or more persons, neither claiming a preferred right, apply to purchase the same lands, the first applicant shall be allowed to purchase.

Contest, trial, and costs.

Limitation of purchase 320 acres.

3824. SEC. 13. No person shall be allowed to purchase more than three hundred and twenty acres of land from the State, under the provisions of this Act.

3825. SEC. 14. It is hereby made the duty of the Register to select, as portions of the several grants of land to this State, all lands for which money has been deposited under the provisions of section seven of this Act; and whenever he shall have knowledge of any tract or tracts of land within the State, which for any cause may appear to him to be of special value, and subject to location by the State, he may select the same; and, if necessary, by and with the advice and consent of the Board of Regents, instruct the County Surveyor of the county wherein such land is situated, to survey such lines and make such examination as may serve to indicate the proper location and true character and quality of such lands; and said County Surveyor shall, without delay, proceed to make such survey or examination, and shall report the same to the Register, in accordance with such instructions as he may have received; and for such services he shall receive such sum as the Board of Regents may allow; and for the faithful performance of such service said County Surveyor shall be liable upon his official bond.

Register to select lands applied for.

Lands of special value.

3826. SEC. 15. The title of the State to any lands sold under the provisions of this Act, shall be conveyed to the purchaser, or to his or her heirs or assigns, by patents, free of charge, in such form as the Attorney General and Register shall jointly prescribe, to be prepared by the Register, signed by the Governor, and shall have the great seal of the State affixed by the Secretary of State, and shall be countersigned by the Register; and the Secretary of State and the State Register shall each keep a record of the patent issued.

Form of conveyance

Record of patents.

3827. SEC. 16. The State Register shall be entitled, as such Register, to a salary of two thousand six hundred dollars per annum, to be paid quarterly; and he is hereby authorized to appoint a deputy, who shall be entitled to a salary of three thousand dollars per annum, to be paid monthly. The Controller of State shall, at the end of each month, draw his warrant upon the State Treasurer in favor of said deputy for the amount of his compensation then due, and the State Treasurer shall pay the same out of any money derived from the sale of land.

Salaries of Register and deputy

Warrant for.

3828. SEC. 17. All funds derived from the sale of lands under this Act shall be invested in interest-bearing bonds of the State, or of the United States, as required by section three, Article XI, of the Constitution of this State. The proceeds of the sale of lands donated to this State by Act of Congress of July second, eighteen hundred and sixty-two, shall be invested by the Board of Regents; and the proceeds of all other lands herein referred to, whenever the sum of five hundred dollars shall have been paid into the State School Fund, shall be invested as directed by law.

Funds, investment of.

3829. SEC. 18. All claims and accounts for services, or for expenses authorized by and necessarily incurred in carrying out any of the provisions of this Act, except the salaries of the Register and his deputy, shall be presented to, and audited as other claims by the State Board of Examiners; and when any claim shall be passed and allowed by said Board, they shall apportion the same so payable or chargeable, to the several Funds

Board of Examiners to audit claims, etc.

derived from the sale of lands, as they shall deem proper, and so much of the funds received from the sale of lands in the several grants as may be necessary for the payment of such audited claims, shall be, and the same is hereby, appropriated out of the several Funds respectively, for the payment of such claims, and the Controller shall draw his warrant accordingly. The Board of Examiners are hereby authorized and directed to allow and direct to be paid such sums to the Receivers of the United States Land Offices, for any official services performed by them in relation to the designation of the selected lands upon the books of their respective offices, as they may be justly entitled to receive under the laws of the United States, or the instructions of the proper department at Washington City.

Compensation of United States land officers.

Acts repealed.

3830. SEC. 19. An Act entitled "An Act to provide for the selection and sale of lands granted by the United States to the State of Nevada," approved April second, eighteen hundred and sixty-seven; and, also, an Act entitled "An Act to provide for the selection and sale of lands granted by the United States to the State of Nevada," approved March fourth, eighteen hundred and seventy-one; and all other Acts and parts of Acts, so far only as in conflict with the provisions of this Act, are hereby repealed; *provided*, that such repeal shall not divest any parties of any rights heretofore acquired under any of said Acts referred to.

Swamp Land Act, Stats. 1869, p. 190. We omit this Act because the State has no swamp lands.

INSTRUCTIONS.

OFFICE OF STATE LAND REGISTER,
CARSON CITY, NEVADA, March 4, 1871.

No application to purchase land from the State of Nevada can be received until the land desired has been surveyed by the United States authorities.

The form of application, with instructions, can be had by applying to this office.

There are three modes of purchasing, viz:

1st. By making full payment at the time of application.

2d. By the surrender of land warrants, which have already been issued by the State.

3d. Agricultural or grazing lands can be bought by paying one fifth of the whole amount at the time of application, and the balance in nine equal annual installments, with interest at the rate of ten per centum per annum, payable annually, upon all deferred installments.

Timbered lands must be purchased by the first and second methods.

All lands within this State, which have been surveyed by the United States authorities, are subject to selection by the State any time after the township plat of such survey has been filed in the United States District Land Office for the period of three months; and six months after such lands have been approved to the State, they are subject to sale to the first applicant. The attention of actual settlers is called to this fact, as it is important that they take the proper steps to prevent their lands being sold to others. By describing the land, as designated on the plats of the United States survey, persons can at any time ascertain if it has been applied for by other parties.

JOHN DAY, Register.

CHAPTER CXLIV.

OF THE LOCATION OF SALINE LANDS, AND ACCEPTANCE OF LAND GRANTED BY THE GENERAL GOVERNMENT.

SECTION 3831. Location of saline lands.
3832. Duty of persons locating salt lands.
3833. Location made prior to passage of Act ratified.
3834. When subject to relocation.
3835. Lands granted by the United States accepted.
3836. Same.
3837. Same.

An Act to provide for the location of lands containing salt.

[Approved February 24, 1865, p. 172.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3831. SECTION 1. Any person may locate, claim, and hold not exceeding one hundred and sixty acres of the public lands within this State containing salt or saline matter. Location of saline lands.

3832. SEC. 2. It shall be the duty of any person or persons locating salt lands to have the same surveyed by the County Surveyor of the county in which said lands are located, within thirty days from the date of location; and the Surveyor shall, within thirty days from the completion of said survey, make and deliver to the party employing him to make the survey, a correct description and plat of the lands thus surveyed, and the same shall be recorded in the office of the County Recorder of said county within thirty days from the delivery thereof by the Surveyor. Duty of persons locating salt lands.

3833. SEC. 3. All locations made prior to the passage of this Act upon saline lands are hereby ratified and confirmed to the locators thereof, their heirs and assigns; *provided*, the parties now holding and occupying said lands shall, within sixty days from the passage of this Act, have the same surveyed and recorded as provided in section two of this Act. Location made prior to passage of Act ratified.

When subject to relocation.

3834. SEC. 4. All persons claiming and holding saline lands under the provisions of this Act shall keep and hold actual possession of said lands by occupying the same, and whenever said lands are abandoned for a period longer than sixty days, the same shall be subject to relocation.

An Act in relation to and accepting the lands granted to the State of Nevada by the Government of the United States.

[Approved February 13, 1867, p. 57.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Lands granted by the United States accepted.

3835. SECTION 1. The State of Nevada hereby accepts the grants of lands made by the Government of the United States to this State, in the following Acts of Congress, to wit: "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two, as amended and approved April fourteenth, eighteen hundred and sixty-four, and as extended July fourth, eighteen hundred and sixty-six, by an Act entitled "An Act concerning certain lands granted to the State of Nevada," upon the terms and conditions in said Act expressed, and agrees to comply therewith.

Same.

3836. SEC. 2. The State of Nevada hereby accepts the grants of lands made by the Government of the United States to this State, in the Act of Congress entitled "An Act concerning certain lands granted to the State of Nevada," approved July fourth, eighteen hundred and sixty-six, upon the terms and conditions in said Act expressed, and agrees to comply therewith.

Same.

3837. SEC. 3. The State of Nevada hereby accepts all grants of public lands heretofore made by the Government of the United States to this State, upon the terms and conditions so granted, as modified in the Act of July fourth, eighteen hundred and sixty-six, above in this Act referred to.

CHAPTER CXLV.

OF THE ENCOURAGEMENT OF THE GROWTH OF FORESTS.

SECTION 3838. Planting and cultivation of forest and shade trees; bounty, continuance of.
3839. Benefits of Act, how to avail; county to issue warrants.
3840. Affidavits to be filed.
3841. Taxation to be increased.
3842. Injuring trees, penalty for.

An Act to encourage the growth of forest trees.

[Approved March 7, 1873, p. 162.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3838. SECTION 1. Every person planting one acre or more of land, within five years after the passage of this Act, with any kind of forest or shade trees, and successfully growing and cultivating the same for three years, and any person planting, protecting, and cultivating, for three years, one half mile or more of forest or shade trees along any public highway, said trees to be planted so as to stand, at the end of three years, one rod apart, shall be entitled to receive for twenty years, commencing two years after said grove or line of trees has been planted, an annual bounty of ten dollars per acre for each acre so planted, and ten dollars for each half mile so planted, to be paid out of the County Treasury of the county in which said grove or line of trees may be situated. Such bounty shall not be paid any longer than said grove or line of trees is cultivated and kept alive and in a growing condition. **Planting and cultivation of forest and shade trees.** **Bounty, continuance of.**

3839. SEC. 2. Any person wishing to avail themselves of the provisions of section one of this Act, shall, within two years after planting said grove or line of trees, showing on what section or other piece of land said grove or line of trees is situated, attested by his own oath and the affidavit of at least two householders of the vicinity, setting forth all the facts in relation to the growth and cultivation of said grove or line of trees. The County Clerk shall lay such plat and affidavit before the Board of County Commissioners, and if they find, from all the evidence, that section one of this Act has been fully complied with, shall cause warrants to be issued upon the County Treasury of the county for the bounty above provided for. **Benefits of Act, how to avail.** **County to issue warrants.**

3840. SEC. 3. The affidavit of the claimant and of at least two householders of his vicinity, showing the growth and condition of such trees, shall be filed each year in the office of the County Clerk before the County Commissioners shall author- **Affidavits to be filed.**

ize warrants to be drawn on the County Treasurer for the bounty for that year; *provided*, that the provisions of this Act shall in nowise apply to willows and cottonwood, planted for the express purpose of protecting the banks of ditches and canals.

Taxation to be increased. 3841. SEC. 4. It is hereby provided, that the planting of forest and shade trees, as mentioned in this Act, shall in no manner add to or increase the taxable value of said land.

Injuring trees, penalty for. 3842. SEC. 5. If any person shall cut down, injure, or destroy, or carry away any tree, planted or growing for use, or shade, or ornament, or any timber, rails, wood, standing, being, or growing on the land of any other person, the party so offending shall pay to the party injured thrice the value of the property so injured, destroyed, or carried away, and shall be deemed guilty of a misdemeanor, and subject to a fine not exceeding one hundred dollars.

CHAPTER CXLVI.

OF THE PROTECTION OF TIMBERED AND AGRICULTURAL LANDS, AND THE PRESERVATION OF WATER.

TIMBERED LANDS.

SECTION 3843. Unlawful to cut or remove timber, etc.
3844. Misdemeanor.
3845. Same.
3846. Issue of fact as to title to real estate; proviso; Act, how construed.

AGRICULTURAL LANDS.

3847. Obstruction of streams.
3848. Action for damages.
3849. Penalty.

PRESERVATION OF WATER.

3850. Penalty for depositing any rubbish, etc., in any stream.
3851. Fines, how distributed.

An Act to provide for the protection of timbered lands.

[Approved March 3, 1871, p. 113.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Unlawful to cut or remove timber, etc. 3843. SECTION 1. It shall be unlawful for any person or corporation to cut down or remove, or cause to be cut down or removed, any wood, timber, or trees on or from any land in this

State, to which land this State, or any person or corporation has or may have an inchoate title, or any title less than fee simple, and the provisions of this section shall apply to the owner of such inchoate title, or title less than fee simple, the same as to other persons and corporations.

3844. SEC. 2. If any owner of an inchoate title to land in this State, or title to such land less than fee simple, or any other person or corporation, shall violate the provisions of the first section of this Act, such person or corporation shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding five hundred dollars. **Misdemeanor.**

3845. SEC. 3. If any person shall cut down or remove any tree, wood, or timber from any land in this State, to which this State has a fee simple title, or an inchoate title, by reason of grant from the United States, such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine as provided in section two of this Act. **Same.**

3846. SEC. 4. If an issue of fact be joined, as to the title to real estate, in any action under the provisions of this Act, such action shall thereupon be certified by the Justice of the Peace in whose Court it may be pending to the District Court of the same county, and therein tried and finally determined as if the same had been originally commenced therein; *provided*, that nothing in this Act shall be so construed as to affect or impair the provisions of an Act entitled "An Act prescribing the mode of maintaining and defending possessory actions on public lands in this State," approved March ninth, one thousand eight hundred and sixty-five; *and, provided further*, that nothing in this Act contained shall be so construed as to prevent the cutting and using by actual settlers upon such lands as are herein specified of such wood as may be necessary for domestic uses, or of such timber as may be necessary for making permanent improvements upon such lands. **Issue of fact as to title to real estate.** **Proviso.** **Act, how construed.**

An Act for the protection of agricultural lands.

[Approved December 19, 1862, p. 107.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

3847. SECTION 1. It shall be and is hereby declared unlawful for any person or persons being the owner or owners of or being in possession of any sawmill, or mills used for the making of lumber, or the owner or owners of any slaughter house, brewery, or tannery, to injure or obstruct the natural flow of water in any river, creek, or other stream, or to permit any sawdust, chips, shavings, slabs, offal, refuse, tan bark, or other offensive matter, to enter therein, so as to damage or corrupt the purity of the water of such stream or streams. **Obstruction of streams.**

3848. SEC. 2. Any city or county government, or any person or persons, being the owner or owners of or in the possession of any agricultural lands, who may be injured by rea- **Action for damages.**

son of the violation on the part of any person or persons of the provisions contained in the preceding section, shall have the right to commence and maintain an action against such person or persons for any damage sustained, in such manner as may be provided by law.

Penalty.

3849. SEC. 3. Any person who shall willfully and knowingly violate the provisions of this Act, shall be guilty of a misdemeanor, and may be punished by a fine not exceeding five hundred dollars.

An Act for the protection of agricultural lands and preservation of water.

[Approved March 9, 1865, p. 348.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Penalty for depositing any rubbish, etc., in any stream.

3850. SECTION 1. Any person or persons who shall deposit, or allow to be deposited by any person or persons in their employ, into any stream or streams of water, any sawdust, rubbish, or filth, that will render such water impure or unfit for drinking or cooking purposes, or in any way injurious to any agricultural lands, upon which it may be necessary for the owner or owners of such lands to use such water for irrigating purposes, shall be deemed guilty of misdemeanor, and upon conviction thereof before any Court of competent jurisdiction, shall be fined within the sum of not less than twenty-five dollars, nor more than five hundred dollars, exclusive of Court costs; *provided*, that nothing in this Act shall apply to those engaged in working ores.

Fines, how distributed

3851. SEC. 2. All fines collected under the provisions of the preceding section of this Act shall be distributed as follows: One half to be paid into the School Fund of the county in which such complaint shall have been made, the other half shall be paid to the party or parties making the complaint. ([a])

(a) All fines to be paid into School Fund. Const. Art. XI, Sec. 3; also Sec. 310, ante.

CHAPTER CXLVII.

OF THE DIVERSION OF WATER AND RIGHT OF WAY THROUGH THE LANDS OF OTHERS.

SECTION 3852. Manner of constructing and maintaining a ditch or flume.
3853. Right conferred to enter and appropriate private lands; compensation, how made; duty of appraisers; tender to be made; proviso; appeal.
3854. Act not to interfere with prior right.
3855. Act to apply to ditches and flumes already constructed.

An Act to allow any person or persons to divert the waters of any river or stream, and run the same through any ditch or flume, and to provide for the right of way through the lands of others.

[Approved March 3, 1866, p. 202.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Manner of constructing and maintaining a ditch or flume.

3852. SECTION 1. Any person or persons desiring to construct and maintain a ditch or flume, within any one or more of the counties of this State, shall make, sign, and acknowledge, before some officer entitled to take acknowledgments of deeds, a certificate, specifying: First, the name by which the ditch or flume shall be known; and, second, the names of the places which shall constitute the termini of said ditch or flume. Such certificate shall be accompanied with a plat of the proposed ditch or flume, and shall be recorded in the office of the County Recorder of the county or counties within or through which such ditch or flume is proposed to be located; and the record of such certificate and plat shall give constructive notice to all persons of the matters therein contained. The work of constructing such ditch or flume shall be commenced within thirty days of the time of making the certificate above mentioned, and shall be continued with all reasonable dispatch until completed.

Right conferred to enter and appropriate private lands.

3853. SEC. 2. Any person or persons proposing to construct a ditch or flume, under the provisions of this Act, shall have the right to enter upon private lands for the purpose of examining and surveying the same; and where such lands cannot be obtained by the consent of the owner or owners thereof, so much of the same as may be necessary for the construction of said ditch or flume, may be appropriated by said person or persons, after making compensation therefor as follows: Said person or persons shall select one appraiser, and said owner or owners shall select one, and the two so selected shall select a third. In case the owner or owners shall from any cause fail, for the period of five days, to select an appraiser, as hereinbefore provided, then it shall be the duty of the appraiser selected

Compensation, how made.

Duty of appraisers. by the person or persons proposing to construct said ditch or flume to select a second appraiser, and the two so selected shall select a third, and in either case the three selected shall, within five days after their selection, meet and appraise the lands sought to be appropriated, after having been first duly sworn by some officer entitled to administer oaths, to make a true appraisement thereof, according to the best of their knowledge and ability. Tender to be made. If such person or persons shall tender to such owner or owners the appraised value of such land, they shall be entitled to proceed in the construction of the ditch or flume over the lands so appraised, notwithstanding such tender may be refused; Proviso. *provided*, that such tender shall always be kept good by such person or persons; *and, provided further*, that an Appeal. appeal may be taken by either party from the findings of the appraisers to the District Court of the district within which the lands so appraised shall be situated, at any time within ten days after such appraisement. [As amended March 5, Stats. 1869, p. 129.]

Act not to interfere with prior right. 3854. SEC. 3. Nothing in this Act contained shall be so construed as to interfere with any prior or existing claim or right.

Act to apply to ditches and flumes already constructed 3855. SEC. 4. This Act shall apply, and the rights and privileges herein conferred shall inure, to the benefit of all persons or corporations who have heretofore constructed, and now maintain, ditches, flumes, or aqueducts in this State, from whatever source they may have procured water, such persons or corporations being required to make and file the certificate mentioned in section one of this Act, and, upon such filing, the party or parties filing the same shall be authorized, from time to time, to extend his or their ditch or flume, and proceed to condemn private property for such ditch or flume, or for any reservoir or reservoirs connected, or to be used in connection, with such ditch or flume, as provided in section two of this Act.

CHAPTER CXLVIII.

OF TITLE TO TOWN SITES.

SECTION 3856. Corporate authorities, etc., after entry of land occupied as a town site, required to convey title.
3857. Title to be conveyed to whom; rights of person not impaired; deed to be executed so as to admit of record.
3858. Notice to be given within ninety days after the receipt of patent; how given.
3859. Claimant to sign statement in writing; when debarred; how made in certain cases.
3860. When proceedings to be certified to District Court; Clerk to serve notice; conveyance to be made upon final determination of contest.

SECTION 3861. Appeal.
3862. Deed to be made out on payment of purchase money and expenses; limitation of fees and costs; proviso; deeds to minors or insane persons, how made.
3863. When lands to be sold; notice of sale, how published; proviso.
3864. Trustees may discharge trust after going out of office.

CERTAIN CLAIMANTS NOT TO BE AFFECTED BY THIS ACT.

3865. Claimants who have complied with section four of Act of eighteen hundred and sixty-nine not to be affected by this.
3866. Survey of town site; how made and paid for.
3867. Failure or disability of Trustee, how remedied.

ACT OF JANUARY THIRTY-FIRST, EIGHTEEN HUNDRED AND SIXTY-SIX.

3868. Patent to be recorded.
3869. Lands not claimed, how disposed of.

ACT OF MARCH THIRTEENTH, EIGHTEEN HUNDRED AND SIXTY-SEVEN.

3870. Clerk to notify claimants of contest.
3871. Court tax.
3872. Complaint.
3873. Appeal not to be taken after thirty days.
3874. Papers to be transmitted on appeal.
3875. What to render appeal effectual.
3876. Referees; proviso.
3877. Proceedings where no further action is taken.

An Act prescribing rules and regulations for the execution of the trust arising under the Act of Congress entitled "An Act for the relief of the inhabitants of cities and towns upon the public lands," approved March second, eighteen hundred and sixty-seven.

[Approved February 20, 1869, p. 68.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3856. SECTION 1. When the corporate authorities of any city or town, or the Judge of the District Court for any county or district in this State, in which any unincorporated town may be situate, shall have entered at the proper Land Office the land, or any part of the land, settled and occupied as the site of such city or town, pursuant to and by virtue of the Act of the Congress of the United States entitled "An Act for the relief of the inhabitants of cities and towns upon the public lands," approved March second, eighteen hundred and sixty-seven, it shall be the duty of such corporate authorities or Judge to dispose of and convey the title to such lands, or to the several blocks, lots, parcels, or shares thereof, to the persons hereinafter specified.

Corporate authorities, etc., after entry of land occupied as a town site, required to convey title.

Title to be conveyed to whom.

Rights of person not impaired.

Deed to be executed so as to admit of record.

3857. SEC. 2. Any such corporate authorities or Judge holding the title to any such land in trust, as declared in said Act of Congress, shall, by a good and sufficient deed of conveyance, grant and convey the title to each and every block, lot, share, or parcel of the same, to the person or persons who shall have, possess, or be entitled to the right of possession or occupancy thereof, according to his, her, or their several and respective right or interest in the same, as they existed in law or equity at the time of the entry of such lands, or to his, her, or their heirs or assigns; and when any parcel or share of such lands shall be occupied or possessed by one or more persons claiming the same by grant, lease, or sale, from one or more other persons, the respective right and interest of such persons, in relation to each other, in the same, shall not be changed or impaired by any such conveyance. Every deed of conveyance made by such corporate authorities or Judge, pursuant to the provisions of this Act, shall be so executed and acknowledged as to admit the same to be recorded.

Notice to be given within ninety days after the receipt of patent.

How given.

3858. SEC. 3. Within ninety days after the receipt by them or him of a patent for such lands, the corporate authorities or Judge entering the same shall give public notice thereof by publishing such notice in a newspaper printed and published in the county in which such city or town shall be situated, or in case there shall not be any newspaper published in said county, then in some newspaper printed and published at the seat of government of this State. Such notice shall be so published once in each week for at least six successive weeks, or thirty days daily; and said notice shall also be posted in six of the most public places in said city or town for thirty days, and shall contain a correct description of the lands so entered, as the same is stated in the patent. [As amended March 8, Stats. 1871, p. 163.]

Claimant to sign statement in writing.

When debarred.

How made in certain cases.

3859. SEC. 4. Each and every person, company of persons, associations, or corporations, claiming to be an occupant or occupants, or to have, possess, or be entitled to the right of occupancy or possession of such lands, or any block, lot, share, or parcel thereof, shall, within six months after the first publication of such notice, in person, or by his, her, their, or its duly authorized agent or attorney, sign a statement in writing, containing a correct description of the particular parcel or parts in which he, she, they, or it claim to be entitled to receive, and deliver the same to or into the office of such corporate authorities or Judge; and all persons failing to sign and deliver such statement within the time specified in this section, shall be forever debarred the right of claiming or recovering such lands, or any interest or entail therein, or in any part, parcel, or share thereof, in any Court of law or equity; *provided*, that the bar to the right of claiming or recovering such lands, or any interest or entail therein, as in this section provided, shall not apply to minors or insane persons; *and, provided further*, that all applications for conveyances under this Act for the benefit of minors and insane persons shall be made by the guardian or trustee of such minor or insane person, and all applications for such conveyances for the benefit of married women may be made by their husbands, if in this State; but in case of the absence of the husband from this State, or his refusal to make such application, then such married woman may apply in her own name. [As amended March 8, Stats. 1871, p. 163.]

When proceedings to be certified to District Court.

3860. SEC. 5. Should two or more persons claim adversely the title to any lot or lots, or parcels of land, within the boundaries of such city or town, the corporate authorities or Judge having entered the same, shall, immediately after the time for filing claims has expired, certify and transmit all proceedings and papers had or being before them or him in the premises, to the District Court of the county in which said lot or lots, or parcels of land, are situated. Upon the receipt of the papers, properly certified, and upon payment of Court fee and costs, the Clerk of such District Court shall enter the case upon the register of actions, the name of the claimant whose claim was first filed with and by such corporate authorities or Judge being entered upon such register as plaintiff, and the other claimant or claimants as defendant, and thereafter the cause shall proceed in all respects as in cases originally brought in said Court. The Clerk shall, upon the receipt by him of such papers and proceedings, serve upon each claimant, his agent, or attorney, a written notice that the claim of such claimant is contested, which notice shall specify the particular lot, block, or parcel so contested, and the name of the adverse claimant. Upon the final determination of such contest, the Clerk of the District Court, or Supreme Court, as the case may be, shall forthwith certify the decision to the corporate authorities or Judge; and upon the receipt of such decision, duly certified, the corporate authorities or Judge shall, as in other cases, make out, execute, and deliver to the party or parties in whose favor the decision is made, a conveyance in fee simple for the lot or lots, or parcels of land awarded in such decision.

Clerk to serve notice.

Conveyance to be made upon final determination of contest.

Appeal.

3861. SEC. 6. Any party in such action deeming himself or herself aggrieved by the determination or judgment of the District Court, in such cases, may appeal therefrom to the Supreme Court, as in other cases.

Deed to be made out on payment of purchase money and expenses.

3862. SEC. 7. After the issuance of the patent for such lands, it shall be the duty of the corporate authorities or Judge to whom such patent shall issue, to make out, execute, and deliver to each person, company, association, or corporation, who may be legally entitled to the same, a deed in fee simple for such part or parts, lot or lots, of land, on payment of his, her, their, or its proper and due proportion of the purchase money for such land, together with his, her, their, or its proportion of such sum as may be necessary to pay for streets, alleys, squares, and public grounds, not to exceed fifty cents for each lot, and also such further sums as shall be a reasonable compensation for executing and acknowledging such deed, not exceeding the sum of three dollars for the first, and one dollar for each additional lot claimed by the same owner, for counsel fee, and for moneys expended in the acquisition of the title and the administration of the trust, including reasonable charges for time and services while employed in such trust, not exceeding the sum of one dollar for each lot; *provided*, that no estimate shall be made for counsel fee, unless the same shall have been actually and necessarily expended; and the foregoing charges

Limitation of fees and costs.

Proviso.

Deeds to minors or insane persons, how made.

shall be full payment for all expenses attending the execution, except for revenue stamps; *provided*, that deeds made under the provisions of this Act for the benefit of minors and insane persons, shall be to the guardian or trustee of such minor or insane person, as the case may be, in trust for such minor or insane person. [As amended March 8. Stats. 1871, p. 164.]

When lands to be sold.

3863. SEC. 8. If all the lots, blocks, shares, or parcels of such land are not legally conveyed to the proper owners before the expiration of one year after the same shall have been passed upon by the corporate authorities or Judge, or in case of contest, within thirty days after such contest shall have been finally determined, the same shall be sold to the highest bidder, and the proceeds applied to the erection of public buildings for the benefit of such city or town, after paying their proportionate share of the purchase money and other expenses, including expenses incurred by publication and sale. Notice of the sale authorized by this section shall be published as is provided for the notice required by section three of this Act; *provided*, that the provisions of this section shall not apply to the sale of real estate belonging to minors or insane persons, except upon an order of Court authorizing such sale, which order may be made by the Court upon an ex parte application under oath of the trustee named in this Act.

Notice of sale, how published.

Proviso.

Trustees may discharge trust after going out of office.

3864. SEC. 9. Any corporate authorities or Judge becoming a trustee under said Act of Congress, who shall prior to the final execution of their trust, as provided in this Act, go out of office, shall be and they are hereby authorized and empowered to discharge and execute all trusts which they may have assumed, in all respects in the same manner and subject to the same duties and requirements as if they had continued in office.

SEC. 10. [Superseded by Sec. 6, Act of March 8, Stats. 1871, p. 164. See Sec. 3867, post.]

An Act to amend an Act entitled "An Act prescribing rules and regulations for the execution of trust, arising under the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns on public lands,' approved March second, eighteen hundred and sixty-seven;" approved February tenth, eighteen hundred and sixty-nine.

[Approved March 8, 1871, p. 163.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTIONS 1, 2, 3. (a)

(a) Secs. 1, 2, and 3, are inserted in the preceding Act in lieu of the sections which they amend.

Claimants who have complied with Sec. 4 of Act of 1869 not to be affected by this.

3865. SEC. 4. Nothing in this Act shall be so construed as to in any manner affect any of the provisions contained in section four of the Act of which this Act is amendatory, in those cases where notice to claimants prior to the passage of this Act has been published in a newspaper for ten or more successive weeks, and at least six months shall have elapsed since the first publication of said notice; but the trust shall in all particulars be carried out and executed in accordance with the provisions of said section four.

3866. SEC. 5. In all cases where it shall become necessary in the opinion of the citizens of the town to make a survey of any town site for the purpose of identifying or locating the lots, blocks, squares, streets, or alleys contained within the limits of said town site, a fee of —— cents for each lot shall be paid to the Trustees to defray the expenses of said survey, which said fee shall be paid by the claimants pro rata. Survey of town sites. How made and paid for.

3867. SEC. 6. In case of death, or ninety days absence from the State, or other disability of the Trustee to execute the trust created by said Act of Congress, it shall be lawful for the corporate authorities or Judge of the district in which any such city or town is situated, who may succeed said Trustee in office, to assume said trust, and they or he shall be authorized and they are hereby empowered to execute the same in all respects in the same manner, subject to all the duties and requirements as provided in this Act. Failure or disability of Trustee, how remedied.

An Act prescribing rules and regulations for the execution of the trust arising under the Act of Congress entitled "An Act for the relief of citizens of towns upon lands of the United States, under certain circumstances," approved May twenty-third, eighteen hundred and forty-four.

[Approved January 31, 1866, p. 54.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10. (a)

3868. SEC. 11. Whenever the corporate authorities, or Judge or Judges, shall have received a certificate of entry, patent, or other evidence of title to the real estate embraced within the limits of any town, it shall be the duty of said corporate authorities, or Judge or Judges, to cause the same to be recorded in the land records of the proper county; and to entitle said certificate of entry, patent, or other evidence of title to be recorded by the County Recorder, it shall not be necessary to present, or make, nor shall the County Recorder require, any oath or affirmation that all or any part of the taxes for county and State purposes, assessed, due, or payable upon said real estate, have been paid. Patent to be recorded

3869. SEC. 12. All lots, blocks, shares, or parcels of land within the boundaries of such town, which shall not have been claimed as provided in section four of this Act, shall, after the limitation provided in said section four has expired, be disposed of as provided in section eight of this Act. Lands not claimed, how disposed of.

(a) These sections of this Act are now obsolete. Sections 1, 2, 7, 9, and 10, were amended by Act of April 10, Stats. 1867, p. 175, and they, as amended, together with Sections 3, 4, 5, 6, and 8, were superseded by Act of February 20, Stats. 1869, p. 68; which last Act, together with the amendments thereto, passed March 8, Stats. 1871, p. 163, are hereinbefore inserted. The above named Act of 1867, p. 176, contains the following independent section (6) which is still in force:

SEC. 6. The provisions of this Act, and the Act of which it is amendatory and supplementary, shall be deemed to apply to all corporations, associations, city, town, or State authorities, with like effect to claim, hold, and acquire the title to property possessed for corporate or public purposes, for such corporate or public uses, to the same extent and benefit, as a person or persons, as provided in the aforesaid Acts.

An Act to further prescribe rules and regulations for the execution of the trusts arising under the Act of Congress, approved May twenty-third, eighteen hundred and forty-four, entitled "An Act for the relief of citizens of towns upon lands of the United States under certain circumstances."

[Approved March 13, 1867, p. 122.] (a)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Clerk to notify claimants of contest. 3870. SECTION 1. Upon receipt by the Clerk of the District Court of the papers provided to be filed with him in the cases mentioned in section five of the Act entitled "An Act for the relief of citizens of towns upon lands of the United States, under certain circumstances," approved May twenty-third, eighteen hundred and forty-four, also an Act approved January thirty-first, eighteen hundred and sixty six, it shall be the duty of such Clerk to give to each claimant, his agent, or attorney, a written notice that the claim of such claimant is contested, which notice shall specify the particular lot, block, or parcel so contested, and the name of the adverse claimant, and the amount of fees to be paid by the person to whom such notice is addressed, under the provisions of this Act.

Court tax. 3871. SEC. 2. Before such contested case shall be placed upon the register of actions of the District Court, as provided in section six of the Act mentioned in section one of this Act, a Court tax of five dollars shall be paid said Clerk; the same to be paid pro rata by such adverse claimant. Each party to whom such notice shall be given shall pay said Clerk one dollar therefor.

Complaint. 3872. SEC. 3. At any time within twenty days after reception of said notice, either party may substitute a complaint, and file the same in said District Court, stating the facts relied upon to entitle the party to a deed; and said deed shall be executed, duly acknowledged, and delivered to the successful party by the District Judge.

Appeal not to be taken after thirty days.

3873. SEC. 4. No appeal shall be taken to the Supreme Court from the judgment of the District Court after the expiration of thirty days from the time of notice of such judgment to the unsuccessful claimant.

Papers to be transmitted on appeal.

3874. SEC. 5. In all cases of appeal under this Act, the original papers filed in the District Court, together with the evidence to be taken by the Judge or referee and his judgment therein, duly certified under the seal of said Court, shall be transmitted to the Supreme Court, and shall constitute the record in said Supreme Court. All of said papers shall be returned with the remittitur from the Supreme Court.

What to render appeal effectual.

3875. SEC. 6. To render an appeal effectual in any case under this Act, a written notice of such appeal shall be served upon the adverse party, his attorney or agent, and a written undertaking shall be filed by the appellant, with two sureties, within five days after judgment in the Court below. Said undertaking shall specify that the appellant will pay all costs which may be awarded against him on the appeal, in a sum not exceeding two hundred dollars.

Referees.

Proviso.

3876. SEC. 7. By consent of the parties to such contested case, the Court may appoint one or more referees, as the parties may agree, to take the testimony in said case, and report a judgment thereon; *provided*, that no fees shall be allowed to such referee that will exceed in the aggregate the sum of fifteen dollars for each case.

Proceedings where no further action is taken.

3877. SEC. 8. If no further action shall be taken in the District Court by the claimants in any case mentioned in section one of this Act, within twenty days after service of the notice therein mentioned, the lot, block, or parcel in dispute shall be disposed of by the District Judge, as if no claim of title hereto had been filed with him.

(a) We deem it advisable to insert the whole of this Act, notwithstanding portions of it are superseded by the Acts hereinbefore inserted.

CHAPTER CXLIX.

OF THE GOVERNMENT OF TOWNS AND CITIES, AND IMPROVEMENT OF STREETS AND ALLEYS.

SECTION 3878. Powers of County Commissioners; additional powers.
3879. To fix and assess the amount of taxes to be levied.
3880. Moneys collected to be paid into County Treasury; General and Redemption Funds; transfer of money.
3881. Fees, etc., to be paid out of General Fund; claims allowed to be certified to Auditor; form of warrant; notice of outstanding warrants to be posted.

SECTION 3882. When holder of rejected claim may commence action.
3883. Duty of Commissioners in relation to disincorporated towns and cities; evidences of indebtedness to be issued; form of; time for filing; money set apart.
3884. Proposals for surrender of indebtedness.
3885. Duty of County Treasurer; proposals opened.
3886. Accepted bids to be kept; payment; vouchers; preference when bids are equal; unaccepted bids to be returned.
3887. Jurisdiction of Justice of the Peace; fees.
3888. Prosecution to be conducted by District Attorney.
3889. Sheriffs to appoint deputies when required; powers and duties of deputies; Street Commissioners; persons committed.
3890. Duties of County Treasurer.
3891. Duties of Clerk.
3892. Meetings of Board of County Commissioners; compensation.
3893. Act construed; genuineness of signatures to be established.
3894. Manner of improving streets and alleys.
3895. Petition.
3896. Proceedings upon filing petition; form of notice.
3897. Hearing of objections.
3898. Proceedings upon granting prayer.
3899. Contract.
3900. May accept the next lowest bidder.
3901. Special assessment roll.
3902. Tax to be levied.
3903. Notice of special taxes.
3904. Duty of Clerk; proviso.
3905. Delinquent list.
3906. Delinquent list to be delivered to District Attorney; suit.
3907. Provisions of revenue law made applicable.
3908. Moneys, how paid over.
3909. Lien.
3910. Completion of contract.
3911. Clerk to receive no fees.

An Act providing for the government of the towns and cities of this State.

[Approved February 21, 1873, p. 66.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Powers of County Commissioners.

3878. SECTION 1. In addition to the powers and jurisdiction conferred by other laws, the Boards of County Commissioners of the counties of this State shall have the following with regard to the management of the affairs and business of any town or city in their respective counties:

Additional powers.

First—To fix and define the boundary of such town or city within which the jurisdiction herein conferred shall be exercised.

Second—To institute and maintain any suit or suits, in any Court or Courts, necessary in their judgment to enforce or maintain any right or rights of said town or city; all such suits shall be instituted and prosecuted in the name of the Board of County Commissioners, for the use and benefit of the inhabitants of said town or city, and shall be entitled accordingly in all pleadings and proceedings. Same.

Third—To levy a tax, not exceeding one per cent. per annum upon the assessed value of all the real and personal property situated in said town or city, made taxable by law for State or county purposes.

Fourth—To lay out, extend, and alter the streets and alleys in said town or city, and provide for the grading, draining, cleaning, widening, lighting, or otherwise improving the same; also, to provide for the construction, repair, and preservation of sidewalks, bridges, drains, and sewers, and for the prevention and removal of obstructions from the streets and sidewalks of said town or city; *provided*, that said Board may, in its discretion, assess the cost of improving any street or building, or repairing a sidewalk, to the owner or owners of the property in front of which said street, or sidewalk, or proposed sidewalk, may be, and may make such cost of improvement, repairs, or building, a lien upon such property.

Fifth—To condemn property for the use of the inhabitants of said town or city in the manner hereinafter provided.

Sixth—To provide for the prevention and extinguishment of fires, and organize, regulate, establish, and disband fire companies in said city or town.

Seventh—To regulate the storage of gunpowder, and other explosive or combustible materials, within said town or city.

Eighth—To determine what shall be deemed nuisances in such town or city, and provide for the punishment, prevention, and removal of the same.

Ninth—To fix and collect a license tax on and regulate all theaters and theatrical performances, circuses, shows, billiard tables, bowling alleys, and all exhibitions and amusements, within said town or city; to fix and collect a license tax on and regulate all taverns, hotels, restaurants, saloons, bar-rooms, bankers, brokers, gold dust buyers, manufacturers, livery stables, and livery stable keepers, within said town or city, and express companies, persons engaged in the business of transmitting letters or packages, stage companies, or the owners of stages or stage lines, who have a place of business in said town or city, or any agency therein; to license and regulate auctioneers and stock brokers within said town or city; to license, tax, and regulate and prohibit, or suppress, all tippling houses, dram shops, saloons, and raffles, and license or tax all hawkers, peddlers (provided that no tax or license shall be required for peddling the agricultural productions of the State), pawnbrokers, refreshment or coffee stands, booths, and sheds, within said town or city; to regulate, or prohibit, or suppress prostitution and unlicensed gaming and disorderly houses, dance houses, and houses of ill-fame, within said city or town; to levy and collect an annual tax upon all dogs within said town or city, and provide for the extermination of dogs for which such tax shall not have been paid, and to prevent all other animals from running

Same. at large in said town or city; to fix and collect a license tax upon all professions, trades, or business within said town or city, not heretofore specified.

Tenth—To provide for the issuance of all licenses in this Act mentioned or authorized to be issued, and to fix the terms on which, and the sums for which, the same shall be issued.

Eleventh—To prevent, punish, and restrain any disorderly conduct within said town or city.

Twelfth—To hold, manage, use, and dispose of the real and personal property of said town or city, and collect all dues and demands belonging to or coming to the same; but no sale of any such property shall be made until after it is appraised by three appraisers, taxpayers of said town or city, at the actual market value, nor shall it be sold for less than three fourths of such appraised value.

Thirteenth—To fix and prescribe the punishment for the breach of any ordinance made or adopted by said Board of County Commissioners, to be enforced within said town or city; but no fines shall be imposed for one offense in a sum greater than five hundred dollars, and no term of imprisonment shall be more than six months; but in lieu of imprisonment any person committed for punishment may be made to work on any public work in said town or city; *provided*, nothing herein contained shall authorize the formation of a chain gang in such town or city.

Fourteenth—To pass or adopt all ordinances, rules, and regulations, and do and perform all other acts and things necessary for the execution of the powers and jurisdiction by this Act conferred, and to audit and allow all claims properly payable out of the funds of said town or city. Any property, real or personal, necessary for the public use of said town or city, or the inhabitants thereof, may be condemned and appropriated in the following manner: The Board of County Commissioners shall appoint one referee, and the claimant or claimants or owner or owners of the property to be condemned shall appoint one referee, and in the event the two referees so appointed shall not agree in the valuation of the property or claimant's interest therein, then the two so appointed shall select a third referee, and the decision of the majority of such three, as to the valuation of the property or the interest therein by them appraised, shall be reported to said Board of County Commissioners, and may by them be regarded and held as final and binding; and upon the tender, in gold coin, of the sum named by said appraisers for such property, to the claimant or claimants, owner or owners thereof, or his or their agent or attorney, such property or the interest therein appraised, shall become and be the property of said town or city, and said Board of County Commissioners may at any time after twenty days' notice cause the Sheriff of the county to remove all persons and obstructions from such property, in case the same be real, and may take immediate possession of the condemned property, whether the same be real or personal. In case the claimant or claimants, owner or owners of property sought to be condemned, as herein provided, shall refuse or neglect, when required by the Board of County Commissioners to appoint a referee to value such property, then said

Same.

Board of County Commissioners shall constitute a Board of Appraisers of such property, and their valuation of the same shall be final and binding; but no act of condemnation of property, or of any claim of interest therein, as herein provided, shall be deemed or held as an admission on the part of said town or city, or the inhabitants thereof, of the legality of the asserted claim thereto or right therein; and in the condemnation of property, as in this Act provided, the referees or County Commissioners, as the case may be, shall consider whether the proposed improvement, for which said property is so condemned, will be of any benefit to the person or persons owning or claiming the said property or some interest therein, and if they find that the same will be a benefit to such person or persons, they shall estimate the value of such benefit to him or them, and deduct the amount thereof from the estimated value of the property or interest therein condemned.

To fix and assess the amount of taxes to be levied.

3879. SEC. 2. Said Board of County Commissioners may annually, at the time of assessing or fixing the amount of taxes for county purposes, assess, fix, and designate the amount of taxes that shall be levied and collected for city or town purposes, on all real and personal property assessable for State or county purposes within any town or city in their county, which said taxes shall be collected at the same time, in the same manner, and by the same officers as provided in the revenue laws of this State for the levying and collecting of State and county taxes, and said revenue laws shall in every respect, not inconsistent with the provisions of this Act, be deemed and held applicable to the levying and collecting of the taxes hereinbefore mentioned; and in all cases where said Commissioners or the County Assessor or District Attorney of said county, or any other officer, or any Judge or Justice of the Peace of said county, is required or authorized by law to adopt or use any form appertaining to the assessment or collection of county taxes; he or they may also adopt or use a similar form in relation to assessing, levying, and collecting the taxes herein provided for, and may use the same in any book, paper, or document in which he or they have used the first named form; and in filling up the blank of said last named form, there shall be inserted the name of said town or city, using the name by which it is commonly designated, or such name as will enable the inhabitants thereof to know that their town or city, as the case may be, is intended to be named in said book, paper, or document; and all suits instituted to collect State or county taxes on real or personal property assessed in said town or city, shall also include the unpaid taxes herein authorized to be levied, and the judgments therein rendered shall also include such taxes.

Moneys collected to be paid into County Treasury.

3880. SEC. 3. All taxes, fines, forfeitures, or other moneys collected, or received by any officer or person under or by virtue of the provisions of this Act, shall be paid by the officer or person collecting or receiving the same to the County Treasurer of the county in which said taxes or moneys were collected or received; and said County Treasurer shall set the same apart as a Fund to be used solely for the benefit of the town or city in which they were collected or received. He shall also enter the same upon

General and Redemption Funds. his books to the credit of said town or city, and shall, when required by the Board of County Commissioners, divide said Fund into two Funds, one to be designated as the General Fund, the other as a Redemption Fund; and he shall not pay any money out of said General Fund except upon warrants drawn upon him by the County Auditor of his county, nor pay any money out of said Redemption Fund except in the manner specified in this Act, until otherwise ordered by the Board of County Commissioners. All such money shall be held in the General Fund; but if at any time after creating a Redemption Fund there shall be more money in the General Fund than is necessary to meet current expenses, said Board of Commissioners may direct the Treasurer to transfer such surplus to the Redemption Fund, and the same shall thereafter be disposed of as other moneys belonging to that Fund. Transfer of money.

Fees, etc., to be paid out of General Fund. 3881. SEC. 4. All fees and salaries of officers provided for in this Act, and all expenses incurred in carrying on any government herein provided for, shall be paid out of the General Fund of the town or city to the affairs of which said government relates. All claims for such fees, salaries, and expenses, shall be presented to the Board of County Commissioners, who shall consider and allow or reject the same, and a record of their action shall be entered upon their minutes. If allowed in whole or in part by a majority vote of all the members composing said Board, the Clerk of said Board shall certify the claims to the Auditor, who shall thereupon issue his warrant to the claimant, substantially in the following form: Claims allowed, to be certified to Auditor.

Form of warrant.

No. ——

The ——, A. D. 18—.

The County Treasurer of —— County will pay to —— the sum of —— dollars, in gold coin, for (stating in general terms the nature of the claim) and charge the same to the General Fund of the (town or city of) ——.

$—. —— ——, County Auditor.

He shall appropriately fill all blanks. Upon having presented to him any warrant, the County Treasurer shall immediately pay the same, if he has money in his hands sufficient therefor belonging to the Fund upon which it is drawn; but if he has not such money he shall indorse on said warrant "Not paid for want of funds," adding thereto the date of indorsement and signing his name officially to the same; and thereafter he shall pay said warrant out of the first money applicable thereto coming into his hands. Before twelve o'clock on the first Monday in each month, the County Treasurer shall post a notice in a conspicuous place in his office, showing the number and amount of each outstanding warrant, if any, which there is money in the Treasury to pay. On paying any warrant, the Treasurer shall write across the face thereof, in red ink, "Redeemed," with the date of redemption, and sign his name officially thereto; and said warrant so canceled shall be sufficient voucher for the Treasurer in his official settlement. The Chairman of the Board of County Commissioners, or some member of the Board, designated by the Chairman, shall once in Notice of outstanding warrants to be posted.

every three months examine the books and vouchers of the County Treasurer concerning the state of the finances in his hands, in this Act mentioned, and report the result to the Board, which report shall be spread upon the minutes of said Board.

3882. SEC. 5. The holder of any claim or demand in this Act mentioned, which has been rejected, in whole or in part, may, within six months after the same has been so rejected, commence an action in any Court of competent jurisdiction of the county for the amount of his claim, or the rejected part thereof, as the case may be. The Board of County Commissioners shall be the defendant named in said action, and the service of summons shall be made upon the Chairman or Clerk thereof. In case of final recovery by the plaintiff, the Board of County Commissioners shall audit and allow his claim for the amount of the judgment recovered.

When holder of rejected claim may commence action.

3883. SEC. 6. In all cases where a town or city in any county in this State has been incorporated by Act of the Legislature of this State, or the late Territory of Nevada, or otherwise, or may be incorporated, and the same has been or may hereafter be disincorporated, the Board of County Commissioners of said county shall take possession of all the books, papers, documents, money, credits, claims, demands, and property of said town or city, and collect, hold, or dispose of the same for the use and benefit of the inhabitants thereof; and in case said town or city shall have been at the time of disincorporation involved in debt, said Board of County Commissioners shall ascertain the amount thereof, and cause evidences of indebtedness bearing interest on the principal sum thereof, from date, at the rate of seven per cent. per annum, to be issued to holders of said indebtedness, which said evidences of indebtedness shall be in the following form, to wit:

Duty of Commissioners in relation to disincorporated towns and cities.

Evidences of indebtedness to be issued.

No. —. The ———, A. D. 18—.
$——.

This is to certify that the (designating the town or city by its corporate name) is indebted to —— in the sum of —— dollars, principal, and —— dollars, interest, payable out of the Redemption Fund of said ——; said principal sum of —— dollars to bear interest from this date at the rate of seven per cent. per annum, principal, interest and accruing interest, payable in gold coin of the United States. ——— ———,
Chairman of the Board of County Commissioners of —— County, Nevada.
——— ———, Clerk of —— County, Nevada.

Form of.

All blanks to be appropriately filled. But no such evidence of indebtedness shall be issued upon any account, claim, demand, bond, warrant, scrip, or other instrument, unless the same is filed with the Clerk of the Board of County Commissioners within three months after the disincorporation of said town or city. The County Treasurer shall, upon being required so to do by the Board of County Commissioners, set apart in the Redemption Fund of said town or city, twenty per cent. of all moneys coming into his hands for the use or benefit thereof,

Time for filing.

Money set apart.

and shall only use the money of said Redemption Fund in the payment of the evidences of indebtedness hereinbefore mentioned, and interest thereon, as in this Act provided.

Proposals for surrender of indebtedness.

3884. SEC. 7. Whenever at any time there shall be in said Redemption Fund the sum of five hundred dollars or over, it shall be the duty of said Treasurer to give ten days notice that sealed proposals, directed to him, will be received for the surrender of indebtedness, payable from said Fund, which sealed proposals shall be received by him at any time before the next regular meeting of the Board of County Commissioners held after the giving of such notice. Said notice shall be given by publication thereof in some newspaper published in the county, if there be one, or if there be no newspaper published in the said county, then by posting such notice in five public places of the town or city the funds of which it is proposed to use in making the redemption mentioned in the notice aforesaid.

Duty of County Treasurer.

3885. SEC. 8. At the first regular meeting of the Board of County Commissioners, after notice has been given as hereinbefore required, the said County Treasurer shall appear before said Board, and deliver to them all of the sealed proposals received by him up to that date, and shall then and there upon his oath show to the satisfaction of said Board that neither of said sealed proposals have been opened, examined, or inspected by himself, or any other person, since the same has come into his custody, and shall file with the Clerk of said Board his affidavit, showing that notice of receiving said sealed proposals has been given as hereinbefore required. Said Board of County Commissioners shall thereupon open or cause to be opened all of said sealed proposals, examine the same, and cause copies thereof to be entered in the record of their proceedings, and shall accept the lowest bid or bids for the surrender of the evidences of indebtedness aforesaid, to the extent of the sum mentioned in the notice given by the Treasurer as aforesaid; *provided*, that no bill shall be considered which is not accompanied with the evidences of indebtedness proposed to be surrendered. No bid for more than par value shall be accepted, nor shall any proposal be withdrawn after it has been delivered to the Treasurer.

Proposals opened.

Accepted bids to be kept.

3886. SEC. 9. When any bids are accepted, as provided in the last section, the Clerk of the Board of County Commissioners and the County Treasurer shall each take a description of the evidences of indebtedness to be redeemed, specifying the amount to be paid for each of the same, the date, number, and amount thereof, and make a record thereof in their respective offices, and thereupon the Board of County Commissioners shall, by order, direct said Treasurer to pay the indebtedness designated in the accepted bid or bids, and said Treasurer shall pay the same, according to the terms of said order, and shall immediately cancel the evidences of indebtedness so paid by him, by writing across the face thereof, in red ink, the word "Redeemed," adding thereto the time when the same was redeemed, and the amount paid therefor, and shall sign the same officially. The order of the Board of County Commissioners aforesaid, with the record made by the County Clerk and Treasurer, as hereinbefore required, and the redeemed evidences of indebtedness,

Payment.

Vouchers. **Preference when bids are equal.** **Unaccepted bids to be returned.**

shall be sufficient vouchers for the County Treasurer, in the settlement of his accounts. The bids specified in section eight being equal, preference shall be given to those in which the greatest percentage is principal. That shall be deemed the lowest bid which offers the largest amount of indebtedness, including principal and interest, for the smallest percentage in amount of money. When two or more bids are equal in every respect, each shall be accepted, *pro rata*, as near as possible. The County Treasurer shall return, on demand, to the proper parties, all unaccepted bids, with the evidences of indebtedness which accompanied the same.

Jurisdiction of Justice of the Peace. **Fees.**

3887. SEC. 10. Any Justice of the Peace within any town or city of this State shall have jurisdiction of all violations of ordinances made to apply to his town or city under the provisions of this Act, and may render final judgment, hold to bail, fine, or commit to prison any offender, in accordance with the provisions of said ordinances; and in the exercise of such jurisdiction, said Justice of the Peace shall conform to the provisions of the general laws of the State applicable thereto, except when the ordinances aforesaid otherwise direct. All commitments of imprisonment shall be directed to the Sheriff of the county. Said Justice of the Peace shall receive the same fees and compensation as in other cases provided by law.

Prosecution to be conducted by the District Attorney.

3888. SEC. 11. All prosecutions arising under the provisions of this Act shall be conducted by the District Attorney of the county, who shall receive therefor, in case of conviction, to be collected only from the defendant, the sum of fifteen dollars. He shall also prosecute and defend all suits brought by or against the Board of County Commissioners under the provisions of this Act, for which he shall receive a compensation to be fixed by said Board, which shall not exceed in any one year the sum of six hundred dollars.

Sheriffs to appoint deputies when required. **Powers and duties of deputies.** **Street Commissioners.** **Persons committed.**

3889. SEC. 12. The Sheriff of the county, in each of the counties of this State, shall appoint for each town or city in his county as many deputies as he shall be required to appoint by the Board of County Commissioners of his county for the purpose of carrying out the provisions of this Act, and they shall be allowed such fees for arrests, to be collected only from the defendant, as may be fixed by ordinance, and such salaries as may be fixed by said Board, not exceeding the sum of one hundred and fifty dollars per month. Said deputies shall be ex officio collectors of all licenses and other taxes than property taxes, to be collected for the use of said town or city, and shall exercise such other powers and perform such other duties as may be authorized, directed, or required by the Board of County Commissioners; *provided*, that nothing contained in this section shall be construed to prohibit said deputies from performing any other duty or service required or authorized by law. Said Sheriff shall also, when required by said Board of County Commissioners, designate one of said deputies to act as Street Commissioner in said town or city. All persons committed by any Justice of the Peace, as herein provided, shall be delivered to the Sheriff aforesaid, and by him confined or put to work, as required by ordinance; and the expense attending such confinement or working shall be allowed and paid as in this Act provided for the allowance and payment of other claims.

Duties of County Treasurer.

3890. SEC. 13. The County Treasurer in each of the counties of this State shall perform the duties required or authorized to be performed by him under and by virtue of the provisions of this Act, and shall be held liable on his official bond for the faithful performance of such duties, and shall receive for his services two per cent. of all moneys received by him under the provisions of this Act.

Duties of Clerk.

3891. SEC. 14. The County Clerk in each of the counties of this State shall perform the duties required or authorized to be performed by him under and by virtue of the provisions of this Act, and shall be held liable on his official bond for the faithful performance of such duties. He shall be ex officio Clerk of the Board of County Commissioners in the execution of the provisions of this Act, and shall keep a record of their proceedings in books not used for other purposes. He shall receive for his services five dollars per day for each and every day engaged in the performance of his duties aforesaid, which shall not exceed in one year the sum of three hundred dollars.

Meetings of Board of County Commissioners.

3892. SEC. 15. The Board of County Commissioners of any county having jurisdiction of the affairs of any town or city, as in this Act provided, shall hold a regular meeting in the Court House, at their county seat, at least once in each month, on a day previously fixed by them, for the purpose of transacting the business provided for in this Act, and shall continue in session from day to day until such business is completed. They may also hold special meetings, upon a call of three days' actual notice to all within the county, given by the Chairman of the Board or a majority of the members thereof. A majority of said Board shall be necessary to constitute a quorum, and the vote of a majority of the whole Board shall be necessary to carry any question. Each member of the Board shall receive for his services the sum of five dollars per day for each day's actual service as a member of the Board or as a Committeeman, and twenty-five cents per mile for each mile actually traveled in going to the place of meeting; *provided*, that the aggregate amount to be received by any one member during any one year shall not exceed the sum of two hundred dollars.

Compensation.

Act construed

3893. SEC. 16. Nothing in this Act contained shall be construed to apply to the transactions of county business in any of the counties of this State, nor shall any of the powers or jurisdiction conferred be exercised by any officer or person in any town or city before there shall have been filed in the Clerk's office of the county in which the same is situated a written petition for the application of the provisions of this Act to said town or city, signed by a majority of the actual residents of such town or city, representing at least three fifths of the taxable property. The genuineness of all signatures to such petition, and the qualifications of the subscribers, shall be established by the affidavits of reliable taxpayers of said town or city, filed with such petition.

Genuineness of signatures to be established.

An Act to provide for the improvement of streets and alleys in the unincorporated towns and villages in the State of Nevada.

[Approved March 10, 1865, p. 355.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Manner of improving streets and alleys.

3894. SECTION 1. Whenever it is deemed necessary to make any improvements or repairs upon any street or alley, in any unincorporated village or town within this State, such improvements or repairs shall be made upon complying with the requirements hereinafter set forth, to wit: A petition shall be presented to the Board of County Commissioners of the county in which such village or town is situated, setting forth in said petition—first, the street or alley where such improvements or repairs are to be made; second, full and complete specifications as to the nature and extent of such improvements or repairs, with sufficient certainty so as to enable parties to make bids or proposals for the work.

Petition.

3895. SEC. 2. Said petition must be signed by at least two thirds of the property owners, or their agents, owning or having legal control of property fronting or being situated on said street or alley.

Proceedings upon filing petition.

3896. SEC. 3. Upon presentation of such petition, the Clerk of the Board shall file the same, and thereupon the Board shall make an order, to be entered in the minutes of proceedings of said Board, requiring the Clerk of said Board to give notice to all persons interested, to appear before said Board on a day certain, which shall be ten days from the date of the notice, to show cause why the prayer of said petition should not be granted, which notice shall be published in some newspaper published in the county, if there be one; if not, then by posting the same in three public places on the street or alley, within the limits of the proposed improvements. The notice shall be substantially in the following form, to wit:

Form of notice.

"Notice is hereby given, that on the —— day of ——, a petition was presented to the Board of County Commissioners of —— County, praying for the improvement of —— street (or alley), in the Town of ——, in the nature and extent as follows, to wit (here set forth the specifications, as contained in the petition): All persons interested are hereby notified to be and appear before the Board of County Commissioners, on the —— day of ——, at ten o'clock A. M. of that day, to show cause, if any they have, why the prayer of said petitioners should not be granted.

"(Date.)

"Signed, —— ——,

"Clerk of the Board of Commissioners, —— County."

3897. SEC. 4. On the day, and at the time mentioned in said notice, the Board shall meet and hear any objections

Hearing of objections. which may be made to the making of the improvements or repairs mentioned in the said petition; parties objecting, and other persons, may be examined under oath. If, upon such hearing, the party or parties objecting do not own, represent, or have legal control of more than one third of the value of all the property fronting or situated upon the street or alley within the limits of the proposed improvements, then it shall be the duty of the Board of County Commissioners to grant the prayer of said petitioners, and further proceed as hereinafter provided.

Proceedings upon granting prayer. 3898. SEC. 5. If the Board, by a majority vote, shall grant the prayer of said petition, they shall signify the same by an entry in their minutes to that effect. The Board of County Commissioners shall thereupon advertise in some newspaper published within the county, if there be one, if not, then by posting in three public places within the village or town, for bids or proposals to make such improvements or repairs; the bids or proposals shall be open for fifteen days from the date of the notice, and shall be directed to the Board of County Commissioners, and delivered to the Clerk of said Board. Upon the day succeeding the fifteenth day from the date of said advertisement, the Board shall proceed to open the bids or proposals, and the person or persons offering to do the work for the smallest amount of money, shall be declared the lowest bidder, and his or their bid shall be accepted in preference to all other bids; the Board may reject any and all bids; *provided*, that no contract shall be let within thirty days after the order is made by the Board; *and, provided further*, that after said order is made, and specifications furnished for the work, any property owner may make such improvement, sidewalk, or grade, according to the order and specifications of the Board of County Commissioners, and such parties shall not be taxed for such improvements if the Board of Commissioners shall examine and accept said work.

Contract. 3899. SEC. 6. Whenever any bid is accepted, the Board shall make a contract, in writing, for the improvements and repairs, signed by the Board of Commissioners, and the party or parties whose bid or proposal is accepted.

May accept the next lowest bidder. 3900. SEC. 7. If the party or parties whose bid is accepted, shall fail to sign said contract within five days after such bid is accepted, or contract drawn, the Board may accept the next lowest bidder, and make contract with him, as aforesaid.

Special assessment roll. 3901. SEC. 8. Within twenty days after the execution of the contract, the Board shall, from the last assessment roll of the county, make out a list of the property within the limits of the proposed improvements on said street or alley, properly ruled into columns, in which columns shall be contained respectively, the name of the owner of the property, the description thereof, its value, the rate of tax, and the total amount of taxes; which list, when completed, shall be signed by the Board, or a majority thereof, and, when filed with the Clerk of said Board, shall be known as the "Special Assessment Roll for Street Improvements."

3902. SEC. 9. The Board shall, within the time specified in section eight of this Act, levy a tax upon the assessed value of the property contained in the "Special Assessment Roll," sufficient to pay the contract price for making the improvements, and all costs and charges incurred subsequent to the filing of the petition mentioned in section one of this Act; the tax, when so levied, shall be entered by the Clerk of said Board in the minutes of proceedings of said Board. **Tax to be levied.**

Notice of special taxes. 3903. SEC. 10. Upon the filing of the Special Assessment Roll, the Clerk of the Board shall proceed to collect the taxes, and shall forthwith give notice, by publication in one newspaper, if there be any published in his county, and if none be published, then by posting notices in three public and conspicuous places upon the street or alley where the improvements are being, or are to be made, that the special taxes for the improvement of —— street, "or alley," are due and payable, and that if the same are not paid to the said Clerk within thirty days from the date of said notice, the law in regard to their collection will be strictly enforced.

Duty of Clerk. 3904. SEC. 11. Whenever the said tax is paid to the Clerk aforesaid, he shall mark the word "paid," and the date of payment, in the assessment roll, opposite the name of the person, or description of the property liable for such taxes, and shall give a receipt therefor, specifying the amount of the assessment, the amount of the tax, and description of the property assessed, but no Clerk of said Board shall receive any taxes on real estate, for any portion less than the least subdivision entered on the Special Assessment Roll; **Proviso.** *provided, always,* that an owner of undivided real estate may pay the proportion of the taxes due on his interest therein.

Delinquent list. 3905. SEC. 12. On the day succeeding the expiration of the thirty days mentioned in section ten of this Act, the Clerk shall immediately ascertain the total amount of taxes then delinquent, and shall proceed to make out a list of all persons and property then owing taxes, verified by the oath of himself or deputy, which list shall be completed within ten days, and shall be known as the "Delinquent List."

Delinquent list to be delivered to District Attorney. 3906. SEC. 13. The Clerk shall, within three days after completing said delinquent list, deliver the same to the District or Prosecuting Attorney of the county, and the said District or Prosecuting Attorney is hereby authorized and directed, immediately after the expiration of ten days from the time when such delinquent list shall have been delivered to him, to commence suit **Suit.** in the name of the people of the County of ——, in the State of Nevada, against the person so delinquent, and against the real estate and improvements assessed, so delinquent, and against all owners and claimants to the same, known or unknown; such action may be commenced before any Justice of the Peace or Court in the county having jurisdiction thereof, and such jurisdiction shall be determined solely by the amount of delinquent tax sued for, not regarding the location of the property as to the township or district, nor the residence of the person, as to town, township, county, or State.

Provisions of revenue law made applicable. 3907. SEC. 14. The provisions of the revenue law then in force, for the collection of delinquent taxes for State and county purposes, from the commencement of suit to the final sale of property under execution, and the redemption thereof, inclusive, when not inconsistent with the provisions of this Act, are hereby made applicable in all actions for the collection of delinquent taxes mentioned in this Act, unless otherwise specially provided for in this Act.

Moneys, how paid over.

3908. SEC. 15. All money received or collected by the Clerk and District or Prosecuting Attorney, for taxes mentioned in this Act, shall be paid over as directed by the Board of County Commissioners, and subject to their entire control.

Lien.

3909. SEC. 16. Every tax levied under the provisions or authority of this Act is hereby made a lien against the property assessed, which lien shall attach from the date of the assessment, and shall not be satisfied or removed until the taxes are all paid, or the property has absolutely vested in a purchaser under a sale for taxes.

Completion of contract.

3910. SEC. 17. Whenever the improvement or repairs shall have been completed in accordance with the provisions and terms of the contract heretofore mentioned, it shall be the duty of the Board of Commissioners to audit and allow the contract price, and order the same to be paid.

Clerk to receive no fees.

3911. SEC. 18. For collecting and receiving the taxes, the Clerk of the Board shall receive no fees or percentage whatever.

CHAPTER CL.

OF THE DISINCORPORATION OF CITIES AND TOWNS.

SECTION 3912. Board of County Commissioners granted power to disincorporate; notice; liabilities.
3913. Dissolution does not affect any rights accruing.
3914. Trustees may be appointed.
3915. Trustees to take oath; give bond.
3916. Trustees to prosecute and defend suits; make report to Board.
3917. Trustees to pay over and make settlement.
3918. Annual revenue to be paid to Board; proviso.
3919. Moneys arising from taxes, etc., how apportioned; repeal.

An Act to provide for the disincorporating of cities and towns incorporated under the laws of the Territory of Nevada.

[Approved February 7, 1865, p. 132.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Board of County Commissioners granted power to disincorporate.

3912. SECTION 1. The Board of Commissioners of each county shall have the power to disincorporate any city or town which may have been incorporated under the laws of this

State, or the Territory of Nevada, upon the petition of a majority of the legal voters residing within the corporate limits of such city or town; but no corporation shall be dissolved, by virtue of this Act, unless it shall appear to the satisfaction of the Board that notice has been given of the intended application for such dissolution of the corporation, by advertisement in a newspaper published in the city or town praying to be disincorporated; and in case no such newspaper be published in said city or town, then by written notice, posted in three of the most public places in said city or town, for at least thirty days prior to such application; nor until all the liabilities of such city or town have been paid or secured to the satisfaction of the Board of County Commissioners. [As amended February 24, Stats. 1866, p. 95.] **Notice.** **Liabilities.**

3913. Sec. 2. No dissolution of any corporation under this Act shall invalidate or affect any right, penalty, or forfeiture, accruing to such corporation, or invalidate or affect any contract entered into or imposed upon such corporation. **Dissolution does not affect any rights accruing.**

3914. Sec. 3. Whenever the Board of Commissioners shall dissolve any corporation, they may appoint three competent persons to act as Trustees for the corporation so dissolved. **Trustees may be appointed.**

3915. Sec. 4. The Trustees, before entering upon the discharge of their duties, shall take and subscribe an oath before some Judge or Justice of the Peace, that they will faithfully discharge the duties of their office, and shall moreover give bond, with sufficient sureties, to be approved by the Board of Commissioners, to the use of such disincorporated city or town, conditioned for the faithful discharge of the duties of their office. **Trustees to take oath.** **Give bond.**

3916. Sec. 5. The Trustees shall prosecute to final judgment, and defend all suits instituted by or against the corporation, collect all money due the same, liquidate all lawful demands against the same, and for that purpose shall sell and convey any property belonging to such corporation, or so much thereof as may be necessary, and generally to do all acts required to bring to a speedy close all of the affairs of the corporation, and they shall make a report of their proceedings to the Board of County Commissioners at each session of the Board. **Trustees to prosecute and defend suits.** **Make report to Board.**

3917. Sec. 6. The Trustees shall pay over to the Board of Commissioners, and the Commissioners shall pay the same to the Treasurer, from time to time, such money as may come into their hands; and when they shall have closed the affairs of the corporation, shall make a final settlement thereof to the Board, and deliver up all books, records, papers, deeds, and all other effects belonging to the dissolved corporation. Such Trustees shall receive for their services such compensation as the Board shall deem reasonable. **Trustees to pay over and make settlement.**

3918. Sec. 7. If any city or town, disincorporated as aforesaid, have annual revenue accruing thereto, the same shall be paid to the Board of Commissioners by persons owing the same, and all moneys thus paid, as well as all moneys paid to the Trustees, shall be held and disposed of by the Board for the benefit of such city or town, and may be applied by the Board to any specific object, upon the petition of a majority of the taxable inhabitants of said city or town; *provided, always,* **Annual revenue to be paid to Board.**

Proviso.

that all of the just and lawful debts, dues, and demands, against said corporation, shall have been first paid.

Moneys arising from taxes, etc., how apportioned. Repeal.

3919. SEC. 8. All moneys arising from the collection of taxes, fines, penalties, and forfeitures, shall be appropriated by the Board of County Commissioners toward the carrying out of those objects which, by this Act, are placed under their control and jurisdiction, and none others.

CHAPTER CLI.

OF PUBLIC HIGHWAYS.

SECTION 3920. County Commissioners to establish road districts; Supervisor; road district, when abolished.
3921. County Clerk to notify Supervisor of appointment.
3921.†Supervisor, oath and bond of; action on bond.
3922. Duties of Supervisor; collect tax; file list and statement; pay over money; Road Fund.
3923. Money transferred to School Fund.
3924. Term of office of Supervisor.
3925. Compensation of.
3926. Moneys, how appropriated.
3927. Road tax; persons may work same.
3928. Collection of road tax; seizure of property; liability of debtor of person for tax upon notice from Supervisor.
3929. Penalty for not giving receipt for tax.
3930. Acts repealed.
3931. Roads, streets, and alleys in incorporated cities and towns declared to be highways.

An Act entitled an Act in relation to public highways.

[Approved March 5, 1873, p. 130.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

County Commissioners to establish road districts.

3920. SECTION 1. Whenever a majority of the taxpayers of any township in any county in the State, whose names shall appear on the last assessment roll, shall petition the Board of County Commissioners of such county to divide said township into a road district or road districts, it shall be the duty of said County Commissioners to so divide such townships and to create such road district or districts, and to appoint a Road Supervisor for each district; when such road district or districts shall once be created, they shall remain the same and have the rights, and be subject to the duties herein given and imposed, until a majority of the taxpayers of such district shall petition the Board of

County Commissioners of the county to disorganize the same; when it shall be the duty of such Board to disorganize said district. When abolished.

3921. SEC. 2. The County Clerk of the county in which such district may be created shall immediately notify all persons appointed Road Supervisors, who shall qualify within thirty days after their appointment, as provided in the next section. County Clerk to notify Supervisor of appointment, etc.

3921†. SEC. 3. Any person appointed Road Supervisor, shall, before entering upon the discharge of his official duties, take and subscribe to the official oath of this State; and shall execute and deliver a good and sufficient bond with sureties, to be approved by the Board of County Commissioners of his county, in a penal sum to be fixed by such Board, not less than five hundred dollars, conditioned for the faithful performance of the duties of Road Supervisor of District No. ——, County of ——, Nevada, in pursuance of the provisions of this Act, which said oath shall be filed, and said bond filed and recorded, in the office of the County Clerk of said county. Said bond shall be given to the State of Nevada; and actions for the benefit of any party aggrieved may be brought thereon, in any Court of competent jurisdiction, in the same manner and with the same effect as upon other official bonds. Supervisor, oath and bond of. Action on bond.

3922. SEC. 4. It shall be the duty of each Road Supervisor, faithfully to collect the tax herein imposed and required to be paid, and judiciously and economically to expend the same, or such part thereof as in his judgment may be required, upon the public highways of his district; to superintend all labor upon such highways, and to see that the same is faithfully performed. Such labor may be performed at such times as, in the judgment of the Supervisor, it will be most beneficial. The Supervisor of each district shall, on the first Monday in January and the first Monday in July, in each year, file with the County Clerk of his county, a list of the names of all persons in his district who have been residents of such district thirty days, and, at the same time and place, shall file a full and concise statement of all labor performed, including his own, moneys received and paid out; and any surplus of money remaining, after payment of all road dues, not including his own wages, he shall pay over to the County Treasurer of his county, and take a receipt therefor. The County Treasurer shall place the same to the credit of the Road Fund, to be used for the benefit of said road district, which said Road Fund the several Boards of County Commissioners of this State are hereby authorized and directed to create and maintain; *provided*, such Fund need not be created or maintained in any county which has not, or shall not have, any road district. Duties of Supervisor, etc.

3923. SEC. 5. All moneys remaining in said Road Fund at the end of each year, after payment of all road dues, including the wages of the Road Supervisors, shall be transferred, by the Board of County Commissioners, from the Road Fund to the School Fund, or funds of the township comprising such road district. Money transferred to School Fund.

Term of office of Supervisor. 3924. SEC. 6. Each Road Supervisor may hold his office during the pleasure of the Board of County Commissioners; *provided*, the tenure of his office shall not exceed four years.

Compensation of. 3925. SEC. 7. The compensation of a Road Supervisor shall be fixed by the Board of County Commissioners, payable out of the Road Fund, if sufficient therein. Such compensation shall not exceed five dollars per day for each day's work actually performed by him as Supervisor while actually engaged in work, or superintending work, upon the road, and fifteen per cent for collecting road tax, on all moneys collected; *provided*, that the Supervisor shall receive no compensation for such collection or notifying men to work on the road other than the said fifteen per cent.

Moneys, how appropriated. 3926. SEC. 8. The moneys paid to the County Treasurer by each Supervisor shall first be used in payment of the bills allowed in favor of such Supervisor for his labor. Any surplus may be used in payment of other demands allowed on said Road Fund by the Board of County Commissioners. But in no case shall any road dues, or the wages or other expenses of the Supervisor, be a charge against, or be paid, except out of the Road Fund, as herein provided.

Road tax. 3927. SEC. 9. Each able-bodied male resident of any road district of this State, over twenty-one and under sixty years of age (uncivilized American Indians excepted), and not exempt by law, shall pay an annual road tax, for the use and benefit of said road district, of four dollars, to be collected by the Road Supervisor, and the Auditor of the county shall furnish blank receipts for the same, and charge the Supervisor therewith; Persons may work same. *provided*, if any person liable to pay road tax, as herein provided, will perform, or cause to be performed, two days work under the supervision and direction of said Supervisor, such labor shall be received in full satisfaction of said four dollars. For the purposes of this Act, any person shall be deemed a resident of a road district who shall have resided, or who shall have been employed therein upon any public or private works, for a period exceeding thirty days.

Collection of road tax. 3928. SEC. 10. To enforce the collection of road taxes as provided in this Act, the Supervisor may seize so much of any and every species of personal property whatsoever owned by Seizure of property. said person (liable and refusing or neglecting to pay his road tax when called upon so to do by the Supervisor), or property in the possession of, or due from, any other person, company, or corporation, and belonging to such person so refusing or neglecting to pay such road tax, as will be sufficient to pay the same and costs of seizure and sale, which costs shall not exceed three dollars in each case, and shall sell the same at any time or place, giving verbal notice of one hour previous to such sale. Liability of debtor of person for tax, upon notice from Supervisor. And any person, corporation, or company, indebted to another, liable to pay a road tax, but who shall neglect or refuse to pay the same, shall be liable to pay said tax for such other person after service upon him or it by the Supervisor of a notice in writing, stating the name or names of the person or persons so liable and owing a road tax; and such debtor may, on paying the same, deduct the amount thereof from any sum or sums due, or that may afterward become due, to such person owing said tax. And if any person, corporation, or company, being sufficiently indebted to any person or persons refusing or neglecting to pay a road tax, shall refuse to pay the same after having been duly notified so to do, it shall be the duty of the Supervisor to seize and sell sufficient personal property of such person, corporation, or company, to satisfy said road tax and costs of seizure and sale, in the manner above stated.

3929. SEC. 11. Any Supervisor who shall receive any money for road tax without issuing a receipt therefor, or shall issue any receipt but a printed one received from the Auditor, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars, before any Court of competent jurisdiction. **Penalty for not giving receipt for tax.**

3930. SEC. 12. An Act of the Legislature of this State, entitled "An Act in relation to public highways," approved March second, eighteen hundred and sixty-seven, and all Acts or parts of Acts in conflict with this, are hereby repealed. **Acts repealed.**

An Act in relation to public highways.

[Approved March 9, 1866, p. 252.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3931. SECTION 1. All public roads, and the streets and alleys in incorporated cities and towns in this State, now used or lawfully entitled to be used as such, and all such roads, streets, and alleys as the Board of Commissioners of the county in which they are situate shall hereafter lawfully cause to be opened, are hereby declared to be public highways; *provided*, that nothing in this Act shall be deemed or construed to injure or abridge the rights of any toll road; but all roads shall be entitled to all the protection and benefits arising from this Act. [As amended March 2, Stats. 1867, p. 72.] **Roads, streets, and alleys in incorporated cities and towns declared to be highways.**

CHAPTER CLII.

OF TOLL ROADS AND BRIDGES.

SECTION 3932. Toll keepers not to charge the military.
3933. Penalty.

CONSTRUCTING AND MAINTAINING TOLL ROADS AND BRIDGES.

3934. Toll roads.
3935. Right to construct, etc.; proviso; bulletin board.

SECTION 3936. May enter upon lands necessary for the construction of roads, etc.; appraiser; tender of appraised value; appeal.
3937. Failure to keep road in repair to work forfeiture; quo warranto.
3938. Penalty for avoiding payment of toll.
3939. Quarterly report of gross receipts and expenditures.
3940. Forfeiture of franchise; ownership to vest in counties; proviso.
3941. How rates of toll may be reduced; counties may purchase road, etc.
3942. Franchise may be located under this Act.
3943. Toll bridges.
3944. Right of way.
3945. Not to interfere with road now in use.

KEEPING TOLL ROADS IN REPAIR.

3946. When right to maintain deemed forfeited; how forfeiture determined.

An Act relating to toll roads and bridges in Nevada Territory.

[Approved February 18, 1864, p. 71.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

Toll keepers not to charge the military.

3932. SECTION 1. Hereafter no toll gate or toll bridge keeper or proprietor, or other person, shall be permitted to charge or collect any toll from any soldier, teamster, or other person in the military service of the United States Government.

Penalty.

3933. SEC. 2. Any person charging or collecting, or attempting to charge or collect, any toll from any of the persons named in this Act, shall be deemed guilty of a misdemeanor, and may, on conviction thereof, before any Justice of the Peace, be fined in any sum not less than fifty nor more than one hundred dollars.

An Act to provide for constructing and maintaining toll roads and bridges in the State of Nevada.

[Approved March 8, 1865, p. 254.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Toll roads.

3934. SECTION 1. Any person or persons desiring to construct and maintain a toll road within any one or more of the counties of this State, shall make, sign, and acknowledge, before some officer entitled to take acknowledgments of deeds, a certificate specifying, first, the name by which the road shall be known; and, second, the names of the places which shall constitute the termini of said road. Such certificate shall be accompanied with a plat of the route of the proposed road, and shall be recorded in the office of the County Recorder of the county or counties within or through which such road is proposed to be located; and the record of such certificate and plat shall give constructive notice to all persons of the matters therein contained. The work of constructing such road shall be commenced within thirty days of the time of making the certificate above mentioned, and shall be continued with all reasonable dispatch until completed.

3935. SEC. 2. On complying with the provisions of the preceding section, said person or persons shall have the right to construct, complete, and maintain a toll road over the route and between the termini mentioned in such certificate, and establish and collect such rates of toll thereon as he or they may deem proper for the term of ten years; *provided*, that after the expiration of five years from the time of the commencement of taking tolls on any such road, the county or counties in which it is located shall have the right to purchase any such road, at an appraised value, to be determined by five appraisers to be selected as follows: Two by the owner or owners, two by the County Commissioners of any county in which said road is located wishing to purchase the same, and one by the four appraisers hereinbefore provided for, and their valuation shall be deemed the true value of the road. The rates of toll so established shall be written, painted, or printed, in a plain and legible manner, on a bulletin board, to be posted at each toll gate on such road; and if any person who shall construct any toll road under the provisions of this Act, or who shall own any interest in any road so constructed, shall demand or collect any higher or greater rates of toll than those specified on said bulletin board, he shall be deemed guilty of a misdemeanor, and on conviction thereof before any Court of competent jurisdiction, shall, for each offense, be punished by fine in any sum not exceeding one hundred dollars, and in default of payment of such fine may, in the discretion of the Court, be committed to the County Jail until such fine be paid. One half of all fines so collected shall go to the informer or prosecutor, and one half to the School Fund of the county; but in no case shall the county be responsible for the costs in any such prosecution.

Right to construct, etc.

Proviso.

Bulletin board.

3936. SEC. 3. Any person or persons, proposing to construct a toll road under the provisions of this Act, shall have the right to enter upon private lands for the purpose of examining and surveying the same; and where such lands cannot be obtained by the consent of the owner or owners thereof, so much of the same as may be necessary for the construction of said road may be appropriated by said person or persons, after making compensation therefor, as follows: Said person or persons shall select one appraiser, and said owner or owners shall select one, and the two so selected shall select a third, who shall appraise the lands sought to be appropriated, after having been first sworn before some officer entitled to administer oaths to make a true appraisement thereof, according to the best of their knowledge and ability. If such person or persons shall tender to such owner or owners the appraised value of such lands, they shall be entitled to proceed in the construction of the road over the lands so appraised, notwithstanding such tender may be refused; *provided*, that such tender shall

May enter upon lands necessary for the construction of roads, etc.

Appraiser.

Tender of appraised value.

Appeal.

always be kept good by such person or persons; *and, provided further*, that an appeal may be taken by either party from the finding of the appraisers, to the District Court of the district within which the land so appraised shall be situated, at any time within three months after such appraisement.

Failure to keep road in repair to work forfeiture.

3937. SEC. 4. The owner or owners of any toll road constructed or maintained under the provisions of this Act, shall at all times keep the same in as good condition and repair as may be practicable; and if such owner or owners shall fail to keep the same in such condition and repair, such failure shall work a forfeiture of all rights, privileges, and franchise, belonging to such owner or owners, or any person having any interest therein. Such franchise may be also declared forfeited on information in the nature of a quo warranto, in the manner provided by law; and the owner or owners of any road on which tolls are collected under the provisions of this Act, shall be liable for all the damages sustained by parties passing over such road, in consequence of the carelessness or negligence of the owner or owners in keeping their road in proper repair.

Quo warranto.

Penalty for avoiding payment of toll.

3938. SEC. 5. If any person, traveling upon any toll road that may be constructed under the provisions of this Act, shall attempt to run by or go around any toll gate established thereon, with the intent to avoid the payment of toll, he shall be deemed guilty of a misdemeanor, and on conviction therefor before any Court of competent jurisdiction shall, for each offense, be punished by fine in any sum not exceeding fifty dollars, and may, in the discretion of the Court, be imprisoned in the County Jail until such fine be paid. All fines collected under the provisions of this section, shall be paid into the treasury of the proper county for the benefit of the School Fund, but in no case shall the county be responsible for the costs of any such prosecution.

Quarterly report of gross receipts and expenditures.

3939. SEC. 6. The owner or owners of any toll road, constructed under the provisions of this Act, shall keep, or cause to be kept, an accurate account of the gross receipts and expenditures of such road, and make a quarterly report thereof, under oath, to the State Controller, accompanied by the receipt of the County Treasurer, of the county in which such road is located, for two per cent of the gross proceeds of such roads, which shall be paid by said County Treasurer as other moneys into the State Treasury, and credited to the General School Fund; *provided*, that if, in three years after the completion of any road, the net proceeds shall exceed fifty per cent per annum on the cost of construction, then all such excess of fifty per cent shall be paid in the General State School Fund, in the same manner as provided in this section for the payment of the two per cent on the gross proceeds, which shall, with the two per cent, be paid in the same kind of money or currency as that collected for tolls.

Forfeiture of franchise

Ownership to vest in counties.

3940. SEC. 7. Upon the expiration, or forfeiture, of any toll road franchise, the ownership, with all the rights and privileges, shall vest in the county or counties in which it is located, and the County Commissioners may declare it a free highway, or they may collect tolls on such roads to keep them in good repair; *provided*, the County Commissioners may extend the time of any expired franchises, so as to allow the owners thereof to collect tolls thereon for five years, subject to all provisions of this Act. **Proviso.**

3941. SEC. 8. Whenever any ten taxpayers in any county through which a road is located and constructed under the provisions of this law, are convinced that tolls charged on said road are unreasonably high, they shall have the right to petition to the Board of County Commissioners to have said rate reduced, which petition shall be accompanied by an affidavit, setting forth wherein said rates of toll should be reduced, and thereupon the County Commissioners shall immediately notify the owners of the road so complained of, who shall select three men to act with three County Commissioners, and the six shall select a seventh man, and the seven so selected shall have power to fix the rates of toll to be charged on any road thus complained of, which rates shall not be reduced for a period of five years thereafter, unless at the option of the owners thereof. At the expiration of five years, as mentioned in section two, the county or counties through which said road or roads are located, shall have the right to purchase the same; the price and mode of payment to be fixed by a Board of referees, composed of the same number and selected in the same manner as mentioned in section two of this Act; *provided*, however, that should no complaint be made of too high rates of toll, the said county or counties shall have the right of purchase, as aforestated, five years from the date of the completion thereof. **How rates of toll may be reduced.** **Counties may purchase road, etc.**

3942. SEC. 9. All franchises granted for toll roads by the first Legislature of this State, may be located under the provisions of this Act. **Franchise may be located under this Act.**

3943. SEC. 10. Toll bridges may be established and maintained, subject to all the provisions of this Act. **Toll bridges.**

3944. SEC. 11. Nothing in this Act shall be so construed as to give a right of way to exceed in width forty-five feet. **Right of way.**

3945. SEC. 12. No toll road constructed under the provisions of this Act, nor otherwise, shall interfere with any road or highway, now in general use by the traveling public, or the emigration from the East. **Not to interfere with road now in use.**

An Act to compel the owners of toll roads within this State to keep the same in repair.

[Approved March 9, 1865, p. 271.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

3946. SECTION 1. If, after the passage of this Act, any toll road in this State shall not at all times of the year be kept in good condition and repair, without break or interval between the points of beginning and terminus, by the owner or owners of the same, such owner or owners shall be deemed to have forfeited his or their right to maintain such road, and all the rights, privileges, and franchises belonging or in any wise appertaining to the same. The question as to whether a for- **When right to maintain deemed forfeited.**

How forfeiture determined

feiture has accrued under the provisions of this Act, shall be determined in the manner provided in an Act entitled "An Act regulating proceedings upon quo warranto and informations in the nature thereof," approved February twenty-first, one thousand eight hundred and sixty-five.

CHAPTER CLIII.

OF FOREIGN INSURANCE COMPANIES.

SECTION 3947. Foreign insurers to file documents; what file, etc.
3948. Who deemed agents.
3949. Penalty for violation of Act.
3950. Copy of bond to be filed with County Treasurer.
3951. Separate bond for each company.
3952. False statement; penalty, how collected.
3953. Power of attorney to be filed.
3954. License tax to be levied and collected, when and where paid.
3955. Violation of Act a misdemeanor.
3956. Acts repealed.

An Act to regulate and tax foreign insurance companies doing business in this State.

[Approved January 31, 1873, p. 46.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Foreign insurers to file documents.

3947. SECTION 1. From and after the passage of this Act, it shall be unlawful for any person or firm, officer, or agent to collect premiums of insurance in this State, in any manner or in any capacity whatsoever, on either life, fire, or inland risks, for or on account of any company, association, or individual insurer not incorporated under the laws of this State, unless such person, or firm, officer, or agent shall have first filed with the Controller of State the following described documents:

First—A certified copy of the power of attorney, certificate of agency, open policy, commission, or other authority or agreement under which such person, firm, officer, or agent shall claim to be authorized to collect premiums of insurance in this State.

What file, etc.

Second—A good and sufficient bond, to be signed by the person, or firm, officer, or agent so authorized by the power of attorney or other authority as aforesaid as principal, with two good and sufficient sureties, to be approved by the Controller, in the penal sum of two thousand dollars for each fire insurance company, or one thousand dollars for each life insurance company, or three thousand dollars for each inland insurance company, association, firm, or individual not incorporated under the laws of this State, for whose account it is proposed to collect premiums of insurance in this State; the conditions of such bonds to be as follows, viz: First, that the person, or firm, agent, or officer named therein, acting on behalf of the company, association, firm, or individual named therein, will pay to the Treasurer of the county, or city and county in which the principal office of the agency shall be located, such sum per quarter, quarterly in advance, for a license to transact an insurance business, or such other license or licenses as are or may be imposed by law, so long as the agency shall remain in the hands of the person, or firm, officer, or agent named as principal in the bond. Second, that the person, or firm, officer, or agent, so specified as above, will pay or cause to be paid to the State all stamp duties on the gross amounts insured by them, in such manner and at such time as may be prescribed by law, inclusive of renewals on existing policies. Third, that within thirty days after the first day of June, in the year of our Lord one thousand eight hundred and seventy-three, and within thirty days after the first of June in each succeeding year, the agent or officer named in the bond shall render to the Treasurer of the county, or city and county in which the principal office of the agency shall be located, a statement sworn to by him, and exhibiting the gross amounts of premiums collected by the agency, inclusive of the amounts collected by sub-agents throughout the State, for each company, or association, firm, or individual insurer represented by him or them respectively, from which shall be deducted the gross amount of return premiums. The first statement shall exhibit the amounts so collected between the first day of February and the first day of June, in the year of our Lord one thousand eight hundred and seventy-three, and subsequent statements shall exhibit the amounts so collected during the year terminating on the first day of June in each year respectively, and that on filing the statements as herein required, the agent, or agents, or officer named in the bond, shall pay to the Treasurer of the county, or city and county aforesaid, a tax of two per cent on the amount of gross premiums, after deducting return premiums, as set forth in his statement, and collected from fire and inland risks, and a tax of one per cent on the amount of premiums collected from life risks. And for the purposes of this Act, all premiums shall be deemed to have been collected which have been entered upon the books of the agency. Same.

3948. SEC. 2. For the purposes of this Act, all persons, firms, and officers of companies or associations, not incorporated under the laws of this State, and engaged in collecting premiums of insurance, directly or indirectly, on fire, life, or inland risks, shall be deemed to be agents of foreign insurance companies, and liable to all the provisions of this Act; and all express companies, not so incorporated as aforesaid, engaged in the carriage of treasure or merchandise from and within this State, and insuring the same, whether themselves assuming the risks, or whether the risks be reinsured by companies or associations not chartered by this State, shall be deemed foreign in- Who deemed agents.

surers within the meaning of this Act, and shall be required to file with the Controller a separate bond for each express company taking risks as aforesaid, and for each foreign company or association reinsuring them on such risks.

Penalty for violation of Act.

3949. SEC. 3. Every person or firm who shall effect, agree to effect, or procure any insurance for citizens of this State, from or on account of any insurers or insurance companies whatever, not incorporated under the laws of this State, from and after the passage of this Act, without first having executed and filed the bond required in section one of this Act, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in the sum of two thousand dollars for each company or association on whose account such insurance shall have been effected, one half of such fine to be for the use of the State and one half for the benefit of the informer. But nothing herein contained shall apply to the sub-agents or employés of any principal agent who shall have complied with the requirements of this Act.

Copy of bond to be filed with County Treasurer.

3950. SEC. 4. A copy of the bond herein required to be filed with the Controller, certified by that officer, shall be filed with the Treasurer of the county, or city and county, where the principal office of the agency shall be located, before any license shall be issued to any agent for the transaction of insurance business, and shall remain on file in the office of the County Treasurer until he is notified in writing, by the Controller, of the termination of the agency and cancellation of the bond.

Separate bond for each company.

3951. SEC. 5. Whenever the same person, firm, officer, or agent shall desire to collect premiums of insurance for more than one company, association, or individual, not incorporated under the laws of this State, the Controller shall require a separate bond, as provided in section one, for each company or association so represented by such person, firm, officer, or agent.

False statement.

3952. SEC. 6. If any agent or officer of a foreign insurance company, as defined in section two of this Act, shall make any false statement, concealment, or misrepresentation in the sworn statement required by section one of this Act, with the intent to defraud the State of revenue, he shall be deemed guilty of perjury, and shall be liable, on conviction thereof, to the pains and penalties as provided by law for the punishment thereof.

Penalty, how collected.

All penalties imposed by this Act shall be collected in the name of the people of this State, by the Prosecuting Attorney of the county, or city and county, where the offense shall have been committed.

Power of attorney to be filed.

3953. SEC. 7. Said companies and associations shall duly execute, acknowledge, and deliver, and cause to be duly recorded in the office of the Controller of State, a good and sufficient power of attorney, to some person who shall be a citizen of the United States and a citizen and resident of the State of Nevada, which power, so long as such company shall have outstanding policies of insurance in said State, shall be irrevocable, except by substitution of other person or persons qualified as aforesaid, authorizing and empowering such attorney or attorneys to accept service of all writs and processes requisite and necessary to the complete acquisition of jurisdiction of such company by any of the Courts of this State, or United States Courts therein, and constituting such attorney or attorneys the authorized agent or agents of such company, upon whom lawful and valid service of all writs and process may be made, in all actions or special proceedings instituted by or against any such company in any of the Courts of this State, or in any Federal Court within this State, and which shall be necessary to the acquisition or complete exercise of the jurisdiction aforesaid of said Courts.

License tax to be levied and collected, when and where paid

3954. SEC. 8. There shall be levied upon and collected from each person, firm, officer, or agent collecting premiums of insurance in this State, or in any manner or in any capacity whatsoever, on either fire, life, or inland risks, for or on account of any company, association, corporation, or individual, a license tax of twenty-five dollars per quarter year, payable quarterly in advance, to such officer as may be appointed under the revenue laws of this State. Such Collector shall account for and pay over the same at the time and in the manner that may be provided by law for the payment of other State and county licenses; the Treasurer of the county, or city and county, shall pay into the State Treasury all moneys collected under the provisions of this Act, at the same time and in the same manner as other moneys belonging to this State may be required to be paid; but nothing contained in this Act shall be construed to apply to sub-agencies reporting to and under control of the agent at the city, or city and county, where the principal office of the agency shall be located, and all requirements of this Act shall be complied with by the principal agent as aforesaid, who shall be deemed the agent for that purpose.

Violation of Act a misdemeanor.

3955. SEC. 9. Every willful violation of the provisions of this Act shall be deemed a misdemeanor, and subject the party violating to a penalty of five hundred dollars for each violation, which shall be sued for and recovered in the name of the State of Nevada, by the District Attorney of the county in which the company or the agent or agents so violating shall be situated; and the said penalty, when recovered, shall be paid into the treasury of said county. In case of non-payment of such penalty, the party offending shall be liable to imprisonment for a period not exceeding six months, in the discretion of any Court having jurisdiction thereof.

Acts repealed.

3956. SEC. 10. Chapter LXXX (80), entitled "An Act to tax and regulate foreign insurance companies doing business in this State," approved March sixth, eighteen hundred and seventy-one (Laws of 1871), and all Acts and parts of Acts in relation to insurance companies inconsistent with the provisions of this Act, are hereby repealed.

INSURANCE—NOTICE OF OTHER INSURANCE.—Where a policy of insurance contained a provision for "notice of any other insurance already made or which shall afterwards be made elsewhere," otherwise the policy to be void, and the property was afterwards insured in another company without proper notice: *Held*, that the policy was vitiated.—Healey v. Imperial Fire Insurance Co., 5 Nev., p. 268.

Insurance Cases—Burden of Proof.—A policy of insurance is a contract which must be enforced according to its terms; and the burden of proof is upon the claimant thereunder to show a compliance therewith.—Id.

Notice of Intention to Insure not Notice of Insurance.—Where an insurance policy provided for notice of any other insurance which should afterwards be made: *Held*, that notice of intention to further insure was not notice of further insurance, nor equivalent thereto.—Id.

Insurance Agent—Extent of Authority.—An insurance agent having authority to receive application, make survey, remit to general agent, receive policy, and collect premium, though the agent of the agent of the insurer for all purposes touching the insurance up to the time of closing the application, has no power after the policy arrives in his hands to waive any of its conditions; all his functions as agent have then ceased, except to receive the premium.—Id.

Construction of Insurance Policies.—In the construction of policies of insurance there is but one safe rule, and that is, to take the contract as written, subtracting nothing therefrom and adding nothing thereto; there is no substantial compliance with its terms, except an exact compliance.—Id.

Notice of Intention to Renew Insurance not Notice of Renewal.—If an insurance policy require "notice of any other insurance already made, or which shall afterwards be made elsewhere," a notice of an existing insurance and of an intention to renew it, is not notice of the fact of renewal, nor a compliance with the policy.—Id.

CHAPTER CLIV.

OF THE STATE LIBRARY.

SECTION 3957. What books and documents shall be preserved in the State Library.
3958. State Librarian and his duties; stamp or seal catalogue.
3959. Who may take books from library; proviso.
3960. Register of books issued; how long books may be retained.
3961. Penalty for injury or failure to return books.
3962. Penalties, how recoverable.
3963. Officers commissioned to pay five dollars; Library Fund; exhibit account.
3964. Attorney to pay ten dollars; proviso.

SECTION 3965. Directors of library and their duties.
3966. Rules and regulations of State Library; Directors to furnish Governor report.

An Act in relation to the State Library.

[Approved February 14, 1865, p. 153.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

What books and documents shall be preserved in the State Library.

3957. SECTION 1. All books, maps, and charts, now belonging to, or which may hereafter come into possession of, this State, by purchase or otherwise; all books, maps, charts, pamphlets, and other documents, which, by any State officer, may be received in their official capacity from the General Government, or in exchange from other States or Territories, or received from foreign nations, or donated to the State by any person or corporation, shall be placed in the State Library, and shall be carefully preserved by the Librarian.

State Librarian and his duties.

3958. SEC. 2. The Secretary of State shall be ex officio State Librarian, and shall take charge of the library, and all papers and furniture properly belonging thereto, under such regulations as are herein provided, or which may hereafter be prescribed by law. He shall be responsible for the safekeeping of all the property of the State Library, and shall cause all the books, maps, charts, pamphlets, and other documents thereof, to be impressed with the proper stamp or seal, after the same shall have been procured by the Directors hereinafter named. Said Librarian shall at all times keep, in a convenient place in the library, a catalogue of the books belonging thereto for reference. He shall annually, by the first Monday of January, report to the said Board of Directors the condition of the library, and recommend such additions thereto, and improvements therein, as he may think advisable for the interests of the same.

Stamp or seal catalogue.

Who may take books from library.

3959. SEC. 3. Books may be taken from the State Library by the members of the Legislature during its session, and at any time by the Governor and other officers of the Executive Department of this State who are required to keep their offices at the seat of Government, the Justices of the Supreme Court, and Attorney General; *provided*, that no person shall be permitted to have more than two volumes of miscellaneous works from said library at the same time.

Proviso.

Register of books issued.

3960. SEC. 4. The Librarian shall cause to be kept a register of all the books issued and returned at the time they shall be so issued and returned, and none of the books, except the laws, journals, and reports of this State, which may be taken from the library by members of the Legislature, during the session, and law books taken by the Judges of the Supreme Court, shall be retained more than two weeks; and all the books taken by the members of the Legislature shall be returned at the close of the session.

How long books may be retained

Penalty for injury or failure to return books.

3961. SEC. 5. If any person materially injure, or fail to return, any books taken from the library, within the time prescribed in the foregoing section, he shall forfeit and pay to the Librarian, for the benefit of the library, three times the value thereof, or of the set to which it belongs.

Penalties, how recoverable. 3962. SEC. 6. All fines, penalties, and forfeitures accruing under and by virtue of this Act, shall be recoverable by action of debt, before any Justice of the Peace or Court having jurisdiction of the same, in the name of "The State of Nevada," for the use of the State Library; and in all such trials the entries of the Librarian, to be made as hereinbefore described, shall be evidence of the delivery of the book or books, and of the dates thereof, and it shall be the duty of such Librarian to carry the provisions of this Act into execution, and bring suit for all penalties or injuries mentioned in this Act.

Officers commissioned to pay five dollars. 3963. SEC. 7. Each and every officer of this State, civil and military, except Commissioners of Deeds and Notaries Public, shall, at the time of the issuance of his commission, and before entering on the duties of his office, pay to the Secretary of State the sum of five dollars (a), which, with all fees of whatever character, by the laws now in force, or which may hereafter be provided, to be charged and collected in the office of the Secretary of State, shall constitute a portion of the Library Fund; and the Secretary of State shall exhibit an account of, under oath, and pay to the State Treasurer, at the end of each quarter, dating from the first day of January, all moneys collected under this Act, and the same, together with such revenues as are hereinafter provided, shall be reserved, set apart, and appropriated exclusively as a State Library Fund.

Library Fund.

Exhibit account.

(a) Notaries Public required to pay twenty dollars into Library Fund, Sec. 331, ante; Commissioners of Deeds, ten dollars, Sec. 328, ante.

Attorney to pay ten dollars. 3964. SEC. 8. No person shall be permitted to practice as an attorney or counselor at law, or admitted as such by the Supreme Court, or any District Court of this State, until he shall have paid to the Clerk of said Court the sum of ten dollars (b), which amount shall, at the times mentioned, and under like conditions, be paid by the Clerk of such Court to the State Treasurer, as a part of said Library Fund; *provided*, that the provisions of this section shall not apply to such persons as have heretofore paid such fee into the Library Fund of Nevada Territory, and all moneys which have been, or may hereafter be, collected and paid into the treasury, arising from the admission of attorneys or counselors at law, and provided as a Library Fund, shall become a part of the State Library Fund.

Proviso.

(b) Attorneys at law required to pay into Library Fund twenty-five dollars, Sec. 889, ante.

Act of February 27, Stats. 1866, p. 137, authorizes the transfer of certain books to State Prison.

Directors of library and their duties. 3965. SEC. 9. The Governor, State Controller, and Attorney General shall constitute a Board of Directors for the State Library. They shall have power to draw from the treasury, at any time, all moneys which may be therein belonging to the State Library Fund, and to expend the same in the purchase of suitable furniture, books, maps, and charts, and binding of laws, journals, reports, pamphlets, and other documents, which may be in a condition requiring such binding, for the State Library aforesaid. In the purchase of books, regard shall be had for the procurement, first, of such works on law and reports of judicial decisions as they shall think best suited to the wants of the Supreme Court.

Rules and regulations of State Library.

3966. SEC. 10. The Directors of the State Library shall, from time to time, establish all needful rules for the government, safekeeping, and judicious use of the furniture, books, maps, charts, and effects thereof; but they shall not permit any person, other than the officers mentioned in this Act, to remove from the library any book, map, chart, or other publication thereto belonging. Said Board of Directors shall, on the first Monday of January in each year, furnish to the Governor, to be submitted by him to the Legislature, when organized, a full report of the purchases and expenditures for the preceding year, and the amount of moneys drawn from the treasury, together with a copy of such rules and regulations as they may have adopted for the government of such State Library; also, the report of the State Librarian, with such recommendations as said Board may deem advisable, in connection with the affairs of said library.

Directors to furnish Governor report.

CHAPTER CLV.

OF ESTRAY ANIMALS; DRIVING STOCK FROM THEIR RANGES; UNLAWFUL STOCK; TRESPASSING OF ANIMALS; MARKS AND BRANDS OF STOCK.

SECTION 3967. Duty of persons finding; appraisers.
3968. Duty of Justice and County Clerk; restitution.
3969. Penalty for neglect.
3970. Penalty for using animals.
3971. Penalty for moving estrays.
3972. Removing, larceny, when.
3973. When reclaimed, how forfeited.
3974. Moneys paid, how disposed of.
3975. Fees and costs.
3976. Taker-up not liable for escape or death.
3977. Stallions and Spanish bulls to be castrated.

DRIVING STOCK FROM RANGES.

3978. Stock not to be driven.
3979. Penalty for driving.

UNLAWFUL STOCK.

3980. Stallions.

SECTION 3981. Duty of persons taking up.
3982. May be sold.
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TRESPASSING OF ANIMALS.

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MARKS AND BRANDS.

3995. Marks, brands, and counterbrands.
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4000. But one mark and brand to be used.
4001. Penalty for using brand not recorded.
4002. Certain marks prohibited.
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An Act concerning estray animals.

[Approved November 8, 1861, p. 22.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

Duty of persons finding.

3967. SECTION 1. Every person finding any stray horse, mare, colt, mule, jack, or jenny, or any neat-foot animal, or any number of these animals, upon his farm or premises, shall, within ten days, if said animal or animals remain on his farm or premises, go before some Justice of the Peace of his township, and give, under oath, a full description of the marks and brands, color, and kind of such animal or animals, also, the time, and all necessary information that will lead to the cause of the said animal or animals coming to his farm or premises that may have come to his knowledge, and the marks and brands have not been altered since they came to his farm or premises; *provided,* no animal shall be considered an estray if the owner is known to the person finding it. At the time the taker-up appears before the Justice as aforesaid, the Justice shall, without delay, appoint two disinterested appraisers,

Appraisers.

who are resident householders of the county, to appraise and describe such animal or animals.

Duty of Justice and County Clerk.

3968. SEC. 2. It shall be the duty of the said Justice to record the description, together with full information given by the taker up, and the Justice shall, within ten days, if the estray animal or animals is or are not before proved by their proper owner, transmit a full transcript to the County Recorder of his county, and the said Recorder shall record the same in his estray book; said book shall be subject to examination by all persons making application to the Recorder, and also the estray book of the Justice of the Peace; and every person claiming and proving said estray animal or animals that has or have been posted by this Act, shall have restitution of the property so claimed, by paying all costs and such charges as may be awarded to the taker-up by the Justice of the Peace of his county.

Restitution.

Penalty for neglect.

3969. SEC. 3. Any person knowing of any horse, mare, colt, mule, jack, or jenny, or any number of neat cattle, or any number of these animals, running at large on his farm or premises, and not knowing the proper owner, who refuses or neglects to comply with the requisitions of the foregoing section, shall be subject to a fine not exceeding the value of the stock so neglected to be posted, recoverable before any Court having jurisdiction of the same.

Penalty for using animals.

3970. SEC. 4. No person shall be allowed or permitted to use, or cause to be used, to profit or otherwise, any animal within his charge or keeping, under the foregoing provisions of this Act; and any person failing or refusing to comply with the requisitions set forth in this section, shall be subject to a fine not exceeding the value of the animal in question, nor less than ten dollars for each and every offense so committed.

Penalty for moving estrays.

3971. SEC. 5. The owner of any stray animal, which is legally taken up under the provisions of this Act, shall not be permitted to take, lead, or drive the same from the farm or possession of the person legally possessed of such animal, until proven and charges paid according to the provisions of this Act; and any person, knowingly and willfully violating the provisions of this section, shall be subject to all the penalties that he would be subject to under the statute law, provided he had no claim on such animal.

Removing, larceny, when.

3972. SEC. 6. If any one shall remove any stray animal from any rancho, or farm, or inclosure, contrary to the provisions of this Act, who shall not be the owner of the same, he shall be deemed guilty of grand or petit larceny according to the value of the property.

When reclaimed, how forfeited.

3973. SEC. 7. If the owner of any lost or stray animal shall not appear and prove his property therein within three months, provided they are neat-foot animals and valued at fifty dollars and under that amount, and six months, provided they are horses, mules, or other animals, and valued at one hundred dollars and upwards, after the same is posted, he shall forfeit his right thereto, and the property in such animal shall be vested in the taker-up, on his paying into the County Treasury the one half appraised value thereof, as fixed by the appraisers as aforesaid.

Moneys paid, how disposed of. 3974. SEC. 8. All moneys paid into the County Treasury, under the provisions of this Act as above provided, shall become a part and belong to the County School Fund of the county in which the proceedings are had, and be drawn from the County Treasury on proper warrant, and shall be exclusively appropriated to the County School Fund, and for no other purpose.

Fees and costs. 3975. SEC. 9. In all cases where services are performed by any officer or person under this Act, the same fees are allowed as are allowed for similar services within the county thereof. All costs and charges accruing under this Act shall be paid by the person taking up the stray animal or animals, but shall be reimbursed by the owner upon proof and delivery of his property.

Taker-up not liable for escape or death. 3976. SEC. 10. If any stray animal die or escape from the possession of the taker-up, at any time before the expiration of six months from the taking up, he shall not be held liable in any manner on account of such animal.

Stallions and Spanish bulls to be castrated. 3977. SEC. 11. That if any stallion, one and a half years old or upward, shall be found running at large, out of the inclosed ground of the owner or keeper of said horse, it shall be lawful for any person to take up such horse, and forthwith give notice to the owner or keeper thereof, if said owner or keeper be known; and if the owner or keeper do not appear within three days thereafter, and pay to the said taker-up five dollars as a compensation for his trouble, the taker-up shall proceed to advertise said horse; and the same proceedings shall be had in every respect, as hereinbefore provided in cases of stray horses; *provided*, that the taker-up may, at the expiration of twenty days from the time of advertising, castrate, or procure to be castrated, the said horse, which shall be done at the risk and expense of the owner. And all Spanish bulls of one and a half years old and upwards, found running at large, shall be castrated, or cut, as hereinbefore provided.

An Act to prevent the driving of stock from their ranges.

[Approved November 21, 1861, p. 32.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

Stock not to be driven. 3978. SECTION 1. That no person shall be permitted to lead, drive, or in any manner remove, any horse, mare, colt, jack, jenny, mule, or any head of neat cattle, or hog, sheep, goat, or any number of these animals, the same being the property of another person, from the range on which they are permitted to run in common, without the consent of the owner thereof first had and obtained; *provided*, the owner of any such animals, as aforesaid, finding the same running on the herd grounds or commons, with other animals of the same, may be permitted to drive his own animal or animals, together with such other animals as he cannot conveniently separate from his own, to the nearest and most convenient corral, or other place for separating his own from other animals, if he, in such case, immediately, with all convenient speed, drive all such animals, not belonging to himself, back to the herd ground from which he brought such animals.

3979. SEC. 2. Any person violating the provisions of the foregoing section, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punishable by a fine of not less than twenty nor exceeding five hundred dollars, or imprisonment not exceeding six months nor less than thirty days, or both such fine and imprisonment, discretional with the Court having jurisdiction of the same. **Penalty for driving.**

An Act concerning unlawful stock.

[Approved April 10, 1862, p. 9.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

3980. SECTION 1. From and after the passage of this Act, it shall be unlawful for stallions, of the age of two years and upwards, to run at large among the settlements of this State. **Stallions.**

3981. SEC. 2. If the owner or owners, or the agent of any owner or owners, shall permit any animal as aforesaid, contrary to the provision of the first section of this Act, to run at large in the settled portions of this State, it shall be lawful for any person to take up and confine the same, giving information to the owner or owners, or agent as aforesaid, of such seizure, if the party or parties shall be known; or, if they shall not be known, then posting notices, conveying such information, in three of the most public places in the township or district in which the animal is taken up. If, at the expiration of ten days from the date of such information given, or of such notice posted, the owner, owners, or agent, as aforesaid, of such animal, shall not appear and legally reclaim it, by paying all the expenses that may have been incurred in the taking up, confining, and keeping of the animal, then it shall be lawful for the taker-up to have it emasculated at the risk and additional expense of the owner or owners. **Duty of persons taking up.**

3982. SEC. 3. If, at the expiration of thirty days thereafter, no such owner, owners, nor agent shall appear and legally reclaim such animal as aforesaid, then it shall be the duty of the person having possession of it to deliver the same to the Constable of the township in which the animal has been found and confined, whose duty it shall be, after three days notice of the intent, to make sale of the same to the highest cash bidder, and after paying all the necessary expenses incurred in the premises, then to pay the residue of the proceeds of such sale into the treasury of the county in which such sale shall have taken place, for the benefit of the Common School Fund; *provided, however,* that if the owner or owners of such property **May be sold.**

shall make claim to it at any time before such sale can legally be made, nothing in this Act shall be construed to exempt such owner or owners from payment of all expenses incurred.

Original horses.

3983. SEC. 4. No original horse shall be allowed to run at large in any of the settled portions of this State, and any owner or owners of such horse who shall permit it to run at large for the space of five days, shall be liable to a forfeiture of the same. Any person shall be authorized to take up the same; and it is hereby made the duty of such person to deliver the animal, immediately, to the Constable of the township in which it may be taken up, who, after twenty days' notice, by written or published notification of the intent, posted in two conspicuous places in such township, shall proceed to sell the same to the highest cash bidder; and, after all expenses incurred in the premises shall have been defrayed, the residue of the proceeds of such sale, if there be any, shall be paid into the treasury of the county in which such sale shall have taken place, to be appropriated to the Common School Fund.

Hogs, sheep, etc.

3984. SEC. 5. Any hog or hogs, sheep, or goat, found trespassing upon the premises of any person or persons in this State, at any time between the first day of April and the fifteenth day of November, in each year, may be taken up by the owner or owners of such premises and safely kept, at the expense of the owner or owners of the hog or hogs so found trespassing.

Notices to be posted.

3985. SEC. 6. All persons taking up hogs trespassing upon their lands, whether inclosed or not, shall, immediately thereafter, post notices in three conspicuous places in the precincts in which such persons reside, containing a description of the ear or other marks of such hogs, whereby the owners may identify them as their property.

Restitution of property.

3986. SEC. 7. If the owners of such hogs come forward within ten days of the time when such notices were posted, and prove them to be their property, the person or persons taking them up shall deliver them to such owner or owners, upon their paying all the costs, charges, and damages sustained by reason of their trespassing.

Forfeiture of property.

3987. SEC. 8. If, however, the owner or owners shall not claim the same within ten days, then the person taking up such hogs shall immediately notify a Constable of the precinct wherein the trespass has been committed, and the Constable shall proceed to sell, at public auction, after giving five days notice of such sale, by posting notices in three public places in said precinct, all such hogs so taken up; *provided*, that the owners may prove their property and receive the same, by paying all costs and damages, at any time before such sale can take place.

Arbitration

3988. SEC. 9. If the parties cannot agree as to the amount of charges and damages, then each party may choose one disinterested person, and they may choose a third person, who shall determine the amount thereof; and should the owners not come forward, then the Constable shall select three disinterested persons to determine the amount.

3989. SEC. 10. The fees of the Constable, under the provisions of this Act, shall be the same as allowed by law for all similar services. Fees of officers.

3990. SEC. 11. If there shall be any surplus money arising from the proceeds of such sales, after paying all costs, charges, and damages, the Constable shall pay the same to the owner or owners of such hogs sold; *provided*, that they prove they are entitled to it within fifteen days after the sale, otherwise he shall pay it into the treasury of the county in which such sale shall have been made, taking the receipt of the Treasurer for the same, for the benefit of the Common School Fund. Surplus money.

3991. SEC. 12. Any Constable refusing or neglecting to pay to the County Treasurer, or to the owner or owners, the surplus derived from any sale made under the provisions of this Act, shall be liable for the same on his official bond, and shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not exceeding one hundred dollars. Liability of officer.

An Act to prevent the trespassing of animals upon private property.

[Approved December 12, 1862, p. 13.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

3992. SECTION 1. If any horse, mule, jack, jenny, hog, sheep, goat, or any head of neat cattle, shall break into any grounds inclosed by a lawful fence, the owner or manager of such animal shall be liable to the owner of such inclosed premises for all damages sustained by such trespass; and if the trespass be repeated by neglect of the owner or manager of said animals, he shall for the second and every subsequent offense or trespass be subject to double the damages of such trespass to the owner of said premises. Liability of owner of.

3993. SEC. 2. If any owner or occupier of any grounds or crops trespassed upon, provided said ground be inclosed within a fence, by animals entering upon or breaking into his or their grounds, whether inclosed by a lawful fence or not, shall kill, maim, or materially injure the animal or animals so trespassing, he, she, or they shall be liable to the owner of such stock for all damages, and for the costs accruing from a suit for such damages, when necessarily resorted to for their recovery; *provided*, the owner or occupier of such grounds or crops so damaged and trespassed upon, may take up and safely keep, at the expense of the owner or owners thereof, after due notice to said owners, if known, such animals or so many of them as may be necessary to cover the damages he may have sustained, for ten days, and if not applied for by the proper owner or owners before the expiration of ten days, the same may be posted under the estray laws of the State, and before restitution shall be had by the owner or owners of such animals, all damages done by them, as well also as the expense of posting and keeping them, shall be paid. Any Justice of the Peace in Animals not to be injured.

the township or precinct shall have jurisdiction of all such reclamation of animals, together with the damages, expense of keeping, and posting the same, when the amount claimed does not exceed one hundred dollars.

Lands of two or more under one inclosure. 3994. SEC. 3. When two or more persons shall cultivate lands under one inclosure, neither of them shall place or cause to be placed any animal on his, her, or their ground, to the injury or damage of the other or others, but shall be liable for all damages thus sustained by the other or others; and if repeated, after due notice is given, and for every subsequent repetition, double damages, to be recovered in any Court having jurisdiction.

An Act to regulate marks and brands of stock.

[Approved February 27, 1873, p. 99.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Marks, brands, and counterbrands. 3995. SECTION 1. Owners of horses, mules, cattle, sheep, goats, or hogs, running at large, must have a mark or brand, and counterbrand, different from any one in use by any other person, so far as may be known.

To be recorded. 3996. SEC. 2. Every such owner shall record with the Recorder of his county, his mark, brand, and counterbrand, by delivering to said Recorder his mark, cut upon a piece of leather, and his brand and counterbrand burnt upon it, and the same shall be kept in the Recorder's office; a certified copy thereof made by the Recorder, with the seal of his office attached thereto, shall be deemed evidence on the trial of any action in a Court of competent jurisdiction, as to the ownership of all animals legally marked or branded as hereinafter provided. The Recorder shall enter in a book to be kept by him for that purpose, a copy of said marks, brands, and counterbrands, provided that such Recorder shall be satisfied that such brand and counterbrand tendered to him for record is unlike any other mark, brand, or counterbrand in the county, or as far as his knowledge extends, is different from any other in the State. Fees for. For recording the mark, brand, and counterbrand, and transmitting the same as hereinafter provided, the Recorder shall be entitled to demand and receive two dollars.

Transcript of marks and brands 3997. SEC. 3. It shall be the duty of every Recorder in this State to transmit to the Recorders of the adjoining counties, a transcript of all the marks, brands, and counterbrands recorded in his office, which shall be filed by any such Recorders in their offices, and reference thereto shall be made in every case of application for the record of marks and brands under this Act.

Penalty for neglect, how recovered. 3998. SEC. 4. Any Recorder knowingly and willfully neglecting or refusing to comply with the provisions of this Act, shall forfeit and pay for every such neglect or refusal, any sum not less than twenty-five nor more than one hundred dollars, to be recovered before any Justice of the Peace of said county where such neglect or refusal may occur, by any person suing therefor, together with all costs and damages that may occur by such neglect or refusal.

3999. SEC. 5. Every person shall brand his horses and mules, and mark and brand his cattle before they are twelve months old, and mark his sheep, goats, and hogs, before they are six months old. On the trial of an action as provided in section two of this Act, to recover possession of any animal which is marked or branded as provided in this Act, the mark and brand shall be primary evidence that the animal belongs to the owner or owners of the mark or brand, and that he, she, or they were entitled to the possession of the said animal at the time of the commencement of the action.

Stock, when to be branded.

Evidence.

4000. SEC. 6. No person shall use more than one mark, brand, or counterbrand; *provided*, however, this shall not extend to those persons who are the owners of more than one ranch or farm.

But one mark and brand to be used.

4001. SEC. 7. If any person shall use any mark, brand, or counterbrand, other than the one recorded by him, except by the consent of the owner of such other mark, brand, or counterbrand, he shall be liable to forfeit and lose to any person suing therefor, the stock so marked or branded with any other than his proper mark or brand recorded by him.

Penalty for using brand not recorded.

4002. SEC. 8. No person shall be allowed to use a mark by cutting off the ear, or by cutting the ear on both sides to a point; all persons who may have now such marks, shall be obliged to alter them with respect to the cattle, sheep, and hogs they may have to mark, after the passage of this Act.

Certain marks prohibited.

4003. SEC. 9. No mark, brand, or counterbrand shall be considered as lawful if not recorded as specified in this Act; and all persons selling or disposing of any cattle which are not intended for slaughter, or any horses, mares, mules, jacks, or jennies, shall be required to counterbrand them on the shoulder, or give a written descriptive bill of sale; and any person failing to so counterbrand said animals, or give such written bill of sale, shall lose all benefits of this Act, and all rights to use said brand as evidence in any Court under this Act.

Mark and brand unlawful, when.

Counter-brand or bill of sale required.

4004. SEC. 10. If any person who, with the intent to defraud, or willfully mismark or misbrand any stock not his own, or kills any stock running at large, whether branded, marked, or not, shall, on conviction thereof, be deemed guilty of felony, and shall be punished by imprisonment in the State Prison for a term not less than six months nor more than five years.

Felony to mismark or brand, or to kill stock running at large.

4005. SEC. 11. This Act shall take effect from and after the first day of May, eighteen hundred and seventy-three.

Act to take effect, when

CHAPTER CLVI.

OF WILD GAME AND FISH.

SECTION 4006. Small birds, unlawful to kill or injure.
4007. Game birds, unlawful to kill at certain seasons.
4008. Unlawful to destroy nests or eggs at any time.
4009. Deer, elk, mountain sheep, etc; proviso.
4010. Penalty.
PROTECTION OF FISH.
4011. When not lawful to catch fish; penalty.
4012. Fishways to be constructed; penalty for neglect.
PROPAGATION OF FISH.
4013. Cultivation and propagation of fish encouraged; existing rights to land not to be interfered with.
4014. Location to be recorded.
4015. Improvements, what necessary and when to be made.
4016. Prior right to purchase land.
4017. Taking of fish unlawful; penalty; action, how prosecuted; damages.
4018. Acts repealed.

An Act relating to wild game and fish.

[Approved November 21, 1861, p. 32.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

SECTION 1. [Related solely to fish. Repealed by Act of March 2, Stats. 1871, p. 110.]

Small birds, unlawful to kill or injure.

4006. SEC. 2. It shall be unlawful for any person or persons at any time to kill or injure, or to pursue with such intent, any sparrow, blue bird, blue jay, martin, thrush, mocking bird, swallow, red breast, cat bird, quail, wren, or humming bird, or to disturb the nest or eggs of said bird.

Game birds, unlawful to kill at certain seasons.

4007. SEC. 3. It shall be unlawful for any person or persons at any time after the first day of April and before the first day of September, in each year, to catch, kill, or destroy, or to pursue with such intent, any grouse, sage chicken, prairie chicken, partridge, pheasant, woodcock, or any wild goose, wood duck, teal, or other ducks, brant, swan, sandhill crane, plover, snipe, curlew, robin, dove, meadow lark, yellow hammer, or bittern, or to have in his or their possession, or to expose to sale any of the birds or game mentioned in this section, during the season when the killing, injuring, or pursuing of the same, is herein prohibited.

Unlawful to destroy nests or eggs at any time.

4008. SEC. 4. It shall be unlawful for any person or persons at any time to destroy, injure, or disturb the nest or eggs of any of the birds protected by this Act.

4009. SEC. 5. It shall be unlawful for any person or persons at any time after the first day of January and before the first day of July, in each year, to catch, kill, or destroy, or to pursue with such intent, any deer, antelope, elk, mountain sheep, or goat, or to have in his possession, or to expose to sale any of the wild game or animals mentioned in this section, during the season when the killing, injuring, or pursuing is herein prohibited; *provided*, that nothing in this Act shall be so construed as to prohibit any person or persons in taking any bird, fowl, fish, or animal, at any time, for the purpose of taming the same, or for scientific purposes. **Deer, elk, mountain sheep, etc.** **Proviso.**

4010. SEC. 6. Every person or persons offending against any of the provisions of this Act, and on conviction thereof, shall forfeit and pay for every such offense a penalty of not less than five dollars, with costs of suit, nor more than two hundred dollars, with costs of suit, to be recovered in a civil action in the name of the people of the United States of the State of Nevada, before any Justice of the Peace of the proper county; such fine, so collected, shall be paid into the County Treasury for the benefit of the common schools of the State of Nevada; further, that all such fines and costs shall be collected without stay of execution, and such defendants may, by order of the Court, be confined within the County Jail until such fines and costs shall have been paid. **Penalty.**

An Act to prevent the destruction of fish in the waters of the State of Nevada.

[Approved March 2, 1871, p. 109.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

4011. SECTION 1. It shall not be lawful for any person or persons, between the first day of January and the first day of September of each year, to catch or kill any river, lake, brook, or salmon trout, in any of the streams, rivers, lakes, or other waters within this State, with any seine, gillnet, or any spear, weir, fence, baskets, trap, explosive material, or other substance or implements, or in any manner except by hook and line; and it shall not be lawful at any time for any person or persons to catch or kill such fish in any of the waters in this State by any poisonous, deleterious, or stupefying drug, explosive material, or other substance. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than thirty dollars or more than three hundred dollars, together with costs of suit, or by imprisonment in the County Jail in the county in which such person or persons shall have been convicted of such offense, for a period not less than twenty days nor more than six months, or by both such fine and imprisonment. **When not lawful to catch fish.** **Penalty.**

Fishways to be constructed.

4012. SEC. 2. All persons, firms, or corporations who have erected mill-dams, water-weirs, or other obstructions on rivers or streams within the waters of this State, shall, within thirty days after the passage of this Act, construct fish-ways or fish-ladders, at such mill-dams, water-weirs, or obstructions, so that at all seasons of the year, fish may ascend above such dam, weir, or obstruction, to deposit their spawn. Any person, firm, or corporation, owning such mill-dam or obstruction, who shall fail to construct or keep in repair such fish-way or fish-ladder, shall be deemed guilty of a misdemeanor, and shall be punished by a fine, upon conviction thereof, not exceeding three hundred dollars; *provided*, that nothing in this section shall be construed to apply to the waters of Carson River, Humboldt River, Reese River, Walker River, or any of the streams in this State situated east of Reese River.

Penalty for neglect.

An Act to encourage the artificial cultivation and propagation of fish in the State of Nevada.

[Approved March 7, 1873, p. 163.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Cultivation and propagation of fish encouraged

4013. SECTION 1. Any person or persons now engaged, or who shall hereafter engage in the artificial cultivation and propagation of fish in the State of Nevada, shall have the right to locate, hold, and occupy a tract of land not exceeding one hundred and sixty acres of the public domain of the United States, or of the State of Nevada, including any and all streams, creeks, springs, and waters thereon, and shall have and maintain an action for the sole and uninterrupted possession thereof, subject to the conditions hereinafter set forth; *provided*, that such location or occupation shall not be made upon any portion of the public domain aforesaid which may be occupied or entered for purchase under existing laws, nor interfere in any manner with the existing rights of appropriators of the waters of any spring or other watercourse rising upon or flowing through said land.

Existing rights to land not to be interfered with.

Location to be recorded

4014. SEC. 2. The person or persons locating any ground, rivers, creeks, ponds, or springs, for the purpose of engaging in the cultivation of fish, shall, within three months from the date of commencing improvements thereon, file with the Recorder of the county in which such ground, river, creek, pond, or spring may lie in whole or in part, a statement in writing, setting forth the exterior boundaries of said claim, which said boundaries may be designated by natural or artificial objects, with a further statement that it is the intention of the parties thereto to engage in the cultivation and propagation of fish on the premises therein described.

Improvements, what necessary and when to be made.

4015. SEC. 3. The person or persons making locations under this Act shall, within three months from the date of filing said statement of intention, do, or cause to be done, upon the land selected, labor or place improvements thereon to the amount of two hundred dollars, and from and after the filing of said notice and performance of said labor, or placing of said improvements thereon, the said claimants, their heirs, or assigns, shall have and maintain the exclusive right to the possession thereof.

Prior right to purchase land.

4016. SEC. 4. Should any claim, as aforesaid, be made upon any unsurveyed lands of the United States, and subsequently thereto, on survey of said lands by the General Government, shall be found to be in any section which the State of Nevada may have a right to purchase or select under any law of Congress donating lands to the State of Nevada, the claimant or claimants thereto shall have a prior right to purchase the same from the State for the period of six months from the date of such Government survey, at the rate of one dollar and twenty-five cents per acre.

Taking of fish unlawful. **Penalty.** **Action, how prosecuted.** **Damages.**

4017. SEC. 5. It shall not be lawful for any person to take fish from any of the streams, creeks, springs, or waters upon any land located or occupied in conformity with this Act, without the consent of the owner or owners thereof; and any person convicted thereof, shall be fined in the sum of five dollars and costs of prosecution for each and every fish so taken. An action for the penalty herein mentioned may be prosecuted in any Court of competent jurisdiction, in the name of the State of Nevada, and the offender shall also be liable in damages in a civil action for any and all damages, injury to, or interference with, the rights of any person or persons claiming under this Act.

Acts repealed.

4018. SEC. 6. Section three ([a]), of Chapter XCV, "An Act prescribing the mode of maintaining and defending possessory action on public lands in this State," approved March ninth, eighteen hundred and sixty-five, in so far as the rights conferred by this Act may conflict, is hereby declared null and void, except so much thereof as follows, to wit: "Any person claiming any of the public lands in this State for the purpose aforesaid, shall take and subscribe his or her affidavit, * * * that to the best of his or her knowledge and belief the said lands are not claimed under any existing title," which shall apply with full force and effect.

(a) For Sec. 3 see Sec. 80.

CHAPTER CLVII.

OF TRADE MARKS AND NAMES.

SECTION 4019. Unlawful to use trade mark or name without consent of owner.
4020. Claim to be filed in office of Secretary of State.
4021. Fee for filing.
4022. Violation of Act; penalty.
4023. Counterfeiting.

SECTION 4024. Penalties.
4025. Same.
4026. Construction of Act.
4027. Trade mark; original owner.
4028. Claim; affidavit to be attached.
4029. Injunction.
4030. Evidence on trial.
4031. Immunity of witness.

An Act concerning trade marks and names.

[Approved March 8, 1865, p. 268.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Unlawful to use trade mark or name without consent of owner.

4019. SECTION 1. When a person who has complied with the provisions of section two of this Act, uses any peculiar name, letters, marks, device, figures, or other trade mark or name, cut, stamped, cast, or engraved upon, or in any manner attached to or connected with, any article, or with the covering or wrapping thereof, manufactured or sold by him, to designate it as an article of a peculiar kind, character, or quality, or as an article manufactured or sold by him, or if such trade mark or name be so connected with any bottle, box, cask, or other thing used for holding such article, it shall be unlawful for any other person, without his consent, to use said trade mark or name, or any similar trade mark or name, for the purpose of representing any article to have been manufactured or sold by the person rightfully using such trade mark or name, or to be of the same kind, character, or quality as that manufactured or sold by the person rightfully using such trade mark or name.

Claim to be filed in office of Secretary of State.

4020. SEC. 2. Any person wishing to secure the exclusive use of any such trade mark or name, under the provisions of this Act, shall file his claim to the same, and a copy or description of such trade mark or name, with the Secretary of State.

Fee for filing.

4021. SEC. 3. The Secretary of State shall keep a record of all trade marks or names filed in his office, with the date when filed, and name of claimant, for public examination. A fee of twenty dollars shall be paid to the Secretary of State at the time of filing each copy and description of any trade mark or name, by the party claiming the use and benefit of the same. It is hereby made the duty of the Secretary of State to pay all fees accruing under this section into the State Library Fund.

Violation of Act.

Penalty.

4022. SEC. 4. Any person violating the provisions of the first section of this Act shall be guilty of misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars, or by imprisonment in the County Jail for not less than five days, nor more than thirty days, or by both such fine and imprisonment; and he shall be further liable to any party aggrieved by such violation, for all damages actually incurred, to be recovered as a debt in any Court of competent jurisdiction.

4023. SEC. 5. It shall be unlawful for any person to counterfeit any trade mark or name, or to have or use a counterfeit trade mark or name, or sell any article bearing or having in any way connected with it a counterfeit trade mark or name, which has been filed according to section two of this Act, knowing it to be such, or having good and sufficient reason to know it to be such. Every alteration or imitation of any trade mark or name which has been filed according to section two of this Act, which shall be made, applied, or used, or which shall cause any trade mark or name, with such alterations or imitation, to resemble any genuine trade mark or name, so as to be calculated or likely to deceive, shall be deemed to be a counterfeit trade mark or name, within the meaning of this Act, and every act of making, applying, or otherwise using any such alteration or imitation, as aforesaid, done by any person, such person shall be deemed to be guilty of counterfeiting a trade mark or name, or knowingly using a counterfeit trade mark or name, within the meaning of this Act. Every person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished as provided in section four of this Act. Counterfeiting.

4024. SEC. 6. Every person who shall have or use any cask, bottle, vessel, case, cover, label, or other thing, bearing or having in any way connected with it the trade mark or name of another, which has been filed according to section two of this Act, for the purpose of disposing of any article with intent to deceive or defraud, other than that which said cask, bottle, vessel, case, cover, label, or other thing originally contained, or was connected with by the owner of said trade mark or name, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished as provided in section four of this Act. Penalties.

4025 SEC. 7. Every person who shall knowingly aid, or abet, or counsel in, or procure the commission of any offense which is by this Act made a misdemeanor, shall be deemed and held to be guilty of a misdemeanor, and shall be subject to the penalties provided in section four of this Act. Same.

4026. SEC. 8. This Act shall not be so construed as to permit any person to file, without authority from the owner, any trade mark or name owned, or previously used by another person, nor in any way to interfere with, hinder, prevent, or restrain the importation or sale, by any person, of genuine articles of merchandise having, or belonging thereto, genuine trade marks or names manufactured or sold in other States or countries. Construction of Act.

4027. SEC. 9. Any person who has first adopted and used a trade mark or name, whether within or beyond the limits of this State, shall be considered its original owner, and the ownership may be transferred in the same manner as personal property, and shall be entitled to the same protection by suits at law as other personal property. Trade mark. Original owner.

4028. SEC. 10. Every person filing with the Secretary of State, as provided in section two of this Act, his claim to any trade mark or name, shall have attached to the copy and description thereof his affidavit, duly certified to by any officer authorized by the laws of this State to take acknowledgments of conveyances, setting forth that he (or the firm or corpora- Claim. Affidavit to be attached tion of which he is a member) is the exclusive owner or agent of the accompanying trade mark or name.

Injunction. 4029. SEC. 11. Any Court of competent jurisdiction may restrain, by injunction, any use of trade marks or names in violation of any section of this Act.

Evidence on trial. 4030. SEC. 12. No person otherwise competent as a witness, shall be disqualified or excused from testifying as a witness, either before a grand jury or a petit jury, or otherwise, concerning any offense mentioned in this Act, on the ground that his testimony may criminate himself, but such testimony shall be reduced to writing, and no indictment or prosecution shall afterward be brought against him for said offenses, concerning which he has testified as a witness.

Immunity of witness. 4031. SEC. 13. Any witness called to give testimony on behalf of the State, before any grand jury, or before any Court of justice, shall be required to give such testimony, which shall be reduced to writing, and such witness shall not be liable to suffer any punishment or forfeiture for any offense against the provisions of this Act, so disclosed.

CHAPTER CLVIII.

OF THE BUSINESS OF ASSAYING.

SECTION 4032. Assayers required to make monthly returns; what return to set forth.
4033. What deemed a misdemeanor; penalty.
REGULATIONS OF ASSAYING.
4034. Assayers required to place description on bars of bullion.
4035. Penalty for neglect or refusal.

An Act to regulate the business of assaying within the State of Nevada.

[Approved February 13, 1867, p. 57.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Assayers required to make monthly returns. 4032. SECTION 1. Every person or firm now engaged in, or who may hereafter engage in the business of assaying within the State of Nevada, shall make and file, at the end of each and every month, with the County Clerk of the county where such business is pursued, a sworn return, subscribed with the name, and verified by the oath of the person having the charge and control of such business; which return shall set forth the name and place of residence of every person, within such month, depositing or selling bullion or amalgam for melting, retorting, What return to set forth.

refining, or assaying, together with the date of the deposit, the amount then deposited, the name of the mine and mill, blanket, sluice, or other source from which the same was obtained.

4033. SEC. 2. Every person or firm, within the State of Nevada, engaged in or carrying on the business mentioned in the first section of this Act, who shall neglect or refuse to comply with its provisions, or any of them, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine of not less than one thousand dollars, and not more than five thousand dollars, and shall be imprisoned in the County Jail not less than one month nor more than six months, for each and every such refusal or neglect. **What deemed a misdemeanor.** **Penalty.**

An Act to regulate the business of assaying within the State of Nevada.

[Approved March 3, 1869, p. 113.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

4034. SECTION 1. Every person or firm now engaged in, or who may hereafter engage in, the business of assaying within the State of Nevada, shall be required to place a written description, pasted on or stamped upon, every bar of bullion or amalgam melted, retorted, assayed, or refined by such person or firm, the name of the person or company by whom such bullion or amalgam was deposited with or sold to such person or firm. **Assayers required to place description on bars of bullion.**

4035. SEC. 2. Every person or firm within the State of Nevada engaged in or carrying on the business mentioned in the first section of this Act, who shall neglect or refuse to comply with its provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one thousand dollars and not more than five thousand dollars, and shall be imprisoned in the County Jail not less than one month nor more than six months, for each and every such refusal or neglect. **Penalty for neglect or refusal.**

CHAPTER CLIX.

OF CHANGING NAMES OF INDIVIDUALS.

SECTION 4036. Petition to be filed with Clerk.
4037. Notice to be published.
4038. Court to make order, when; when objections are filed Court to hear proofs; order to be recorded.

An Act in relation to changing the names of individuals.

[Approved February 10, 1869, p. 60.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Petition to be filed with Clerk.

4036. SECTION 1. Any person desiring to have his or her name changed, may file with the Clerk of the District Court of the district in which he or she may reside, a petition, verified by his or her oath, addressed to said Court, stating his or her present name, the name which he or she desires to bear in future, and the reason for desiring said change.

Notice to be published.

4037. SEC. 2. Upon the filing of said petition the applicant shall make out and procure to be published in some newspaper of general circulation in the county, for the period of thirty days, a notice, stating the fact of the filing of the petition, its object, his or her present name, and the name which he or she desires to bear in future.

Court to make order, when.

4038. SEC. 3. If, within ten days after the expiration of the thirty days, no written objection shall be filed with said Clerk, upon proof of the filing of the petition and publication of notice, as required in section two, and upon being satisfied by the statements in the petition, or by other evidence, that good reason exists therefor, the said Court shall make an order, changing the name of the applicant as prayed for in the petition. If, within said period, objection be filed, the Court shall appoint a day for hearing the proofs respectively of the applicant and the objection, upon reasonable notice; and upon said day shall hear the proofs, and grant or refuse the prayer of the petitioner, according as the proofs shall or shall not show satisfactory reasons for making said change. Upon the making of an order, granting the prayer of the petitioner, the same shall be recorded as a judgment of said Court, and the name of the applicant shall thereupon be as stated in said order.

When objections are filed Court to hear proofs.

Order to be recorded.

Name of Calvin Smith, of Virginia City, Nevada, changed to Calvin Smith Babbitt, by Act of November 29, Stats. 1861, p. 292. Name of Miss E. E. Newbill, of Virginia City, changed to Caroline Lucy Duval, Stats. 1862, p. 16.

CHAPTER CLX.

OF THE DESTRUCTION OF NOXIOUS ANIMALS.

SECTION 4039. Bounties; amounts.
4040. Scalps or skins to be produced.
4041. Oath and examination.
4042. Justice of the Peace, duty of.
4043. County Commissioners to audit and allow claims.
4044. Act to take effect, when.

An Act to provide for the destruction of noxious animals within this State.

[Approved March 7, 1873, p. 178.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

4039. SECTION 1. If any person shall take and kill, within this State, any of the following noxious animals, he shall be entitled to receive, out of the treasury of the county within which such noxious animal or animals shall have been taken, the following bounties, to wit: for every coyote or prairie wolf, fifty cents; for every lynx or wild cat, two dollars; for every California lion, two dollars; all of which bounties shall be subject to the provisions of this Act. Bounties. Amounts.

4040. SEC. 2. Every person intending to apply for such bounty shall take the scalp, with the ears connected thereto, or the skin entire, of the noxious animal or animals killed by him, to some Justice of the Peace of the county within which such noxious animal or animals shall have been taken. Scalps or skins to be produced.

4041. SEC. 3. The person claiming such bounty shall then be sworn by such Justice, and state on oath the time and place when and where every noxious animal for which a bounty is claimed by him was taken and killed, and shall also submit to such further examination, on oath, concerning the taking and killing of such noxious animal or animals, as the Justice may require. Oath and examination.

4042. SEC. 4. If it shall appear to the Justice that the noxious animal or animals have been taken and killed within the county, he shall cut off the ears from the scalp and destroy the said ears, and give to the person so sworn a certificate stating the number of scalps deposited with and destroyed by him. The said Justice shall receive for each oath administered by him twenty-five cents, and for each certificate, twenty-five cents, the same to be allowed out of the General Fund of the county. Justice of the Peace, duty of.

4043. SEC. 5. Upon the presentation to the Board of Commissioners of the proper county of any such certificate, they are hereby authorized and directed to allow the amount due, under County Commissioners to audit and allow claims.

the provisions of this Act, to the person therein named, out of the General Fund of such county.

Act to take effect, when. 4044. SEC. 6. This Act shall take effect and be in force from and after the first day of March, eighteen hundred and seventy-three.

CHAPTER CLXI.

OF TERRITORIAL, STATE, AND COUNTY SEALS; BRANCH MINT LOT; PLAZA IN CARSON CITY.

TERRITORIAL SEAL.

SECTION 4045. Design of.

STATE SEAL.

4046. Seal required; design.

COUNTY SEALS.

4047. County seal, form and device of.

BRANCH MINT LOT.

4048. Jurisdiction over relinquished.

SEAT OF GOVERNMENT.

4049. Location of.
4050. Plaza donated.

An Act to provide a seal for the Territory of Nevada.

[Approved November 29, 1861, p. 295.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

Design of. 4045. SECTION 1. That the design of such seal shall be as follows: Mountains, with a stream of water coursing down their sides, and falling on the overshot wheel of a quartz mill at their base; a miner, leaning on his pick, and upholding a United States flag, with a motto expressing the two ideas of loyalty to the Union, and the wealth to sustain it: "*Volens et Potens.*"

An Act to provide a seal of State for the State of Nevada.

[Approved February 24, 1866, p. 94.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Seal required. 4046. SECTION 1. There shall be a seal of the State of Nevada, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of Nevada," the design of which shall be as follows, to wit: In the foreground, two large mountains, at the base of which, on the right, there shall be located a quartz mill, and on the left a tunnel, penetrating the silver leads of the mountain, with a miner running out a car load of ore, and a team loaded with ore for the mill. Immediately in the foreground there shall be emblems indicative of the agricultural resources of the State, as follows: a plow, a sheaf, and a sickle. In the middle ground, a train of railroad cars, passing a mountain gorge; also a telegraph line extending along the line of the railroad. In the extreme background, a range of snow-clad mountains, with the rising sun in the east. Thirty-six stars to encircle the whole group. In an outer circle, the words, "The Great Seal of the State of Nevada," to be engraven with these words, for the motto of our State, "All for Our Country." **Design.**

An Act to provide the several County Clerks of the Territory with a seal.

[Approved February 20, 1864, p. 148.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

4047. SECTION 1. The County Clerks of the several counties of the State of Nevada are hereby authorized to procure and use a seal of such form and device as they shall select; *provided*, that such seals shall express upon their face the county in which the same are used. **County seal, form and device of.**

An Act to relinquish title to and granting jurisdiction over certain property within this State to the United States.

[Approved February 20, 1869, p. 71.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

4048. SECTION 1. All right, title, and interest the State of Nevada may have in that certain piece and parcel of land, conveyed by James L. Riddle, dated March third, A. D. eighteen hundred and sixty-five, and Moses Job and wife, dated June nineteenth, eighteen hundred and sixty-five, to the United States of America, and described as block number sixty-five, Proctor and Green's division of Carson City, Ormsby County, State of Nevada, the present site of the United States Branch Mint, being one hundred and seventy (170) feet square, is hereby relinquished and granted to the United States, together **Jurisdiction over relinquished.**

with full jurisdiction in and over the said tract of land herein described, and the same shall be exempt from taxation.

An Act for the permanent location of the seat of government at Carson City.

[Approved November 25, 1861, p. 54.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

Location of. 4049. SECTION 1. The Town of Carson City is hereby made and declared the permanent seat of government of the State of Nevada.

Plaza donated. 4050. SEC. 2. The plaza, in Carson City, bounded on the north by Musser street, on the east by Fall street, on the south by Second street, and on the west by Carson street, is hereby dedicated to the use of this State for the erection of public buildings.

CHAPTER CLXII.

OF COUNTIES AND THEIR BOUNDARIES.

SECTION 4051. Esmeralda County.
4052. Douglas County.
4053. Ormsby County.
4054. Washoe County.
4055. Lyon County.
4056. Storey County.
4057. Lake County.
4058. Humboldt County.
4059. Churchill County.

BOUNDARY OF LYON COUNTY CHANGED.

4060. Change of boundary.
4061. Boundaries affected by.

LANDER COUNTY.

4062. County created; boundaries of.

BOUNDARIES ENLARGED.

4063. Limits of Lander.
4064. Records.

NYE COUNTY.

4065. County created; boundaries.

LINCOLN COUNTY.

SECTION 4066. County created; boundaries of.
4067. Increase of representation in Legislature.

BOUNDARIES OF NYE AND LANDER.

4068. Territory added.

DIVIDING LINE BETWEEN CHURCHILL AND LANDER.

4069. Dividing line defined.

LINE BETWEEN NYE, CHURCHILL, AND ESMERALDA.

4070. Boundary defined.

LINE BETWEEN HUMBOLDT AND LANDER.

4071. Boundary line established.

WHITE PINE COUNTY.

4072. County created.
4073. County seat located.
4074. One Senatorial and Assembly District.

ELKO COUNTY.

4075. County created; boundaries; county seat; County Commissioners to select, when; deed.
4076. Representation in Legislature increased.

ACT OF EIGHTEEN HUNDRED AND SEVENTY-ONE.

4077. Boundary lines of Elko defined.
4078. Records of Lander to be transcribed.
4079. Expenses of criminal case.

EUREKA COUNTY.

4080. County created.
4081. County seat.
4082. Senatorial and Assembly representations.
4083. Salaries of officers.
4084. Eureka to pay portion of Lander debt.
4085. Eureka, part of Sixth Judicial District, to pay half of Judge's salary.
4086. Transfer of action.
4087. Recorder of Lander to transcribe records, etc.
4088. Act to take effect when.

An Act to create counties and establish the boundaries thereof.

[Approved November 25, 1861, p. 50.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

4051. SECTION 1. There shall be a county, to be known as Esmeralda County, to include all that part of the State within the boundaries described as follows: (a) Beginning at a point where the thirty-seventh degree of north latitude intersects the one hundred and sixteenth meridian, and running west **Esmeralda County.**

along said thirty seventh degree to the California line; thence along said line, in a northwesterly direction, to the summit of the divide between the east and west forks of Walker River; thence along said divide, in a northerly direction, to the headwaters of Desert Creek; thence, following down the middle of said creek to a point where it debouches from the mountain; thence, following the base of the mountain, to the west branch of Walker River; thence, across said river, to the base of the mountain; thence, following the base of the mountain in a direct line as near as may be, to Mason's Ranch; thence, due east to the one hundred and sixteenth meridian; thence, south along said meridian to the place of beginning.

(a) Act to incorporate the Town of Aurora, Stats. 1866, p. 71.

Douglas County. 4052. SEC. 2. There shall be a county, to be known as Douglas County, to include all that part of the State within the boundaries described as follows: Beginning at Mason's Ranch, on Walker River, and running westerly, in a straight line, to the mouth of Clear Creek; thence, along the middle of said creek, to its source; thence, due west to the California line; thence, south and southeasterly along said line, to the western boundary of Esmeralda County; thence, northerly along said boundary to the place of beginning.

Ormsby County. 4053. SEC. 3. There shall be a county, to be known as Ormsby County, to include all that part of the State within the boundaries described as follows: Beginning at the northwestern corner of Douglas County, and running easterly along the north boundary thereof to a point where it crosses El Dorado Cañon; thence, down the center of said cañon to a point thereon due east of Brown and Company's dam, on Carson River; thence, in a westerly direction, crossing Carson River at said dam; thence, to the Halfway House, between Carson and Silver City; thence, northwesterly to the summit of the mountains east of Washoe Lake; thence, in a westerly course, along said summit, to the tops of the Sierras; thence, due west to the California line; thence, south, along said line, to the place of beginning.

Washoe County. 4054. SEC. 4. There shall be a county, to be known as Washoe County, to include all that part of the State within the boundaries described as follows: (b) Beginning at the northwest corner of Ormsby County, and running easterly along the northern boundary of said county, to the summit of the mountains east of Washoe Lake; thence, in a northerly course, along the summit of said mountains, to the lower end of the Big Meadows, on Truckee River; thence, down said river to its lower crossing; thence, east along the Immigrant Road to the summit of the mountains lying east of said river; thence, north, on the main summit of said mountains, to a point from which, running direct west, would intersect the Truckee River at its mouth in Pyramid Lake; thence, due west to the California line; thence, south to the place of beginning.

(b) Hospital debt funded, Stats. 1873, p. 87; temporary use of Building Fund, Stats. 1873, p. 92; School District No. 10

authorized to issue bonds, Stats. 1873, p. 174; county authorized to issue bonds to railroad company, Stats. 1869, p. 138.

4055. SEC. 5. There shall be a county, to be known as Lyon County, to include all that part of the State within the boundaries described, as follows: Beginning at the southeast corner of Washoe County; thence, following the north line of Ormsby County in a southeasterly direction, to the Halfway House, between Silver City and Carson City; thence, following the said line of Ormsby County to Douglas County; thence, following the northerly boundary of Douglas County to the one hundred and nineteenth meridian of west longitude; thence, north, five miles; thence, by direct line, northwesterly, to a point on Carson River, one mile below Reed's Station; thence, north three miles; thence, westerly by a direct line, to the southern boundary of the Gold Hill Mining District, but running so as to include in this county the Devil's Gate Toll House; thence, continuing westerly in the same course, to the eastern boundary of Washoe County; and thence, southerly, along the eastern boundary of said county, to the place of beginning. **Lyon County.**

4056. SEC. 6. There shall be a county, to be known as Storey County, to include all that part of the State within the boundaries described, as follows: Beginning at the northwestern corner of Lyon County, and running thence, in an easterly direction, along the northern boundary of Lyon County, to the northeastern corner thereof; thence, north, in a straight line, to the road leading from the lower crossing of the Truckee to the Sink of the Humboldt; thence, westerly, along said road, to the Truckee River; thence, up the middle of said river, to the eastern line of Washoe County; thence, southerly, along said line, to the place of beginning. **Storey County.**

4057. SEC 7. There shall be a county, to be known as Lake County, to include all that part of the State within the boundaries described, as follows: [a] Beginning at the northwest corner of Washoe County, and running easterly along the northern boundary of said county to the mouth of Truckee River; thence, due east to the summit of the first range of mountains east of said river; thence, in a northerly direction, along said range, and the main granite range of mountains, to the Oregon line; thence, west, along said line, to the summit of the Sierra; thence, south, along said summit, to the place of beginning. **Lake County.**

(a) Name of Lake County changed to Roop. Stats. 1862, p. 6.

4058. SEC. 8. There shall be a county, to be known as Humboldt County, to include all that part of the State within the boundaries described, as follows: Beginning at the northeast corner of Storey County; thence, running easterly along the Immigrant Road leading to the Sink of the Humboldt, to the fortieth degree; thence, east, along said line, to the eastern boundary of the State; thence, north, along the eastern boundary, to the northern boundary of the State; thence, **Humboldt County.**

west, along said boundary line, to the northeastern corner of Lake County; thence, south, along the boundary lines of Lake and Washoe Counties, to the point of beginning.

Churchill County. 4059. SEC. 9. There shall be a county to be known as Churchill County, to include all that part of the State of Nevada within the boundaries described, as follows: Beginning at the southeast corner of Lyon County, and running thence east along the northern line of Esmeralda County to the northeast corner of said Esmeralda County; thence, northeast, to the southwest corner of Lander County; thence, north, along the western line of said Lander County, to the fortieth degree of north latitude; thence, west, along said fortieth degree north latitude, to where it strikes the summit of a range of mountains marking the eastern boundary line of Roop County; thence, southerly, along said range, to the northeast corner of Washoe County; thence, southerly, along the eastern boundary of Washoe County, to a point one hundred feet north of the Central Pacific Railroad; thence, northeasterly, along the north side of said Central Pacific Railroad, and parallel thereto, at a distance therefrom of one hundred feet, to a point sixteen miles from the east side of the bridge across the Truckee River, belonging to the Central Pacific Railroad Company, at the Town of Wadsworth; thence, southerly, to a point on the Carson River three miles below Honey Lake, Smith's old station; thence, southerly, to the point of beginning. [As amended February 27, Stats. 1869, p. 88.]

An Act changing the boundary lines of Lyon County, and for other purposes. (a)

[Approved February 20, 1864, p. 148.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

Change of boundary. 4060. SECTION 1. That the eastern boundary line of Lyon County be and is hereby changed from the present boundary as established by law, to the line of longitude forty-one degrees forty minutes west from Washington, as laid down on De Groot's Map of Nevada Territory, published A. D. eighteen hundred and sixty-three.

Boundaries affected by. 4061. SEC. 2. All other boundaries of Lyon County, affected by the change of the eastern boundary, shall follow the lines of that portion of Churchill County ceded to Lyon, as established by law.

(a) Dayton, its boundaries, and supply of water, Stats. 1864, p. 88; Court House and Jail, Stats. 1864, p. 153.

An Act to create the County of Lander.

[Approved December 19, 1862, p. 53.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

4062. SECTION 1. The County of Lander is hereby created, to include all that portion of the State within the boundaries described as follows: Beginning at the point of intersection of the fortieth meridian of longitude west from Washington with the forty-second degree of north latitude, or northern boundary line of the State of Nevada; thence running south on the line of said fortieth meridian of longitude, through the Counties of Humboldt and Churchill, to the thirty-ninth degree of north latitude, or northern boundary line of Esmeralda County; thence east, along the said northern boundary line of Esmeralda County, to the eastern boundary line of the State; thence north, following the eastern boundary line of the State, to the northern boundary line of the State aforesaid; thence west, along said northern boundary line, to the place of beginning. **County created. Boundaries of.**

SECS. 2, 3, 4, and 5, obsolete.

An Act enlarging the boundaries of Lander County and definitely defining the same.

[Approved February 20, 1864, p. 147.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

4063. SECTION 1. All that portion of the State of Nevada within the limits hereinafter described, is hereby included within the limits of Lander County: Commencing at the intersection of the thirty-ninth degree, with a line drawn due north and south from the Mount Airy Station; thence north to the fortieth degree of latitude of northern boundary of Churchill County; thence east along said fortieth degree of latitude, west from Washington, to the fortieth degree of meridian of longitude; thence north on said fortieth degree of longitude to the northern boundary of the State of Nevada; thence east along said boundary line to the one hundred and fifteenth degree of longitude west from Greenwich, or eastern boundary of the State of Nevada; thence south along said eastern boundary to the thirty-ninth degree of north latitude; thence west along said thirty-ninth degree, north latitude, to the place of beginning. **Limits of Lander.**

4064. SEC. 2. All records of any character or description which shall have been recorded in the County of Lander, relating to any property which may be situated within the limits **Records.**

hereinbefore described, shall be as legal and binding and valid in law, the same as if said record had been recorded within any other county.

Austin, incorporated, Stats. 1865, p. 243; amendatory Acts, Stats. 1866, p. 152, also Stats. 1867, p. 73. County seat of Lander was temporarily located at Jacob's Springs; permanent location made at Austin, by a vote of the people, under Sec. 2 of above Act of 1862.

An Act to create the County of Nye.

[Approved February 16, 1864, p. 143.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

County created. Boundaries

4065. SECTION 1. The County of Nye is hereby created, to include all that portion of the State of Nevada within the boundaries described as follows: Beginning at the intersection of the thirty-seventh degree of north latitude with the one hundred and fifteenth degree of longitude west from Greenwich, and running thence west, along the northern boundary of the Territory of Arizona, to its intersection with the California line; thence northwesterly along the California line to the meridian of longitude one hundred and seventeen degrees thirty minutes west from Greenwich; thence due north to the boundary line of Churchill County; thence in an easterly direction to the O'Donnell Pass on the West Gate and Ione Road; thence in an easterly direction to the mound in Reese River Valley, about three miles southwesterly from the Town of Washington; thence due east to the eastern boundary of the State; thence south, along the eastern boundary of the State, to the place of beginning. [As amended March 9, Stats. 1865, p. 352.]

An Act to create the County of Lincoln, and provide for its organization.

[Approved February 26, 1866, p. 131.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

County created. Boundaries of.

4066. SECTION 1. All that portion of the State of Nevada situate within the following boundaries shall be and constitute the County of Lincoln, viz: Beginning at the Red Bluff Springs (about fifteen miles east of Reveille District), and running thence due east to the State line of this State; thence south along said State line to the southerly boundary line of this State; thence along said southerly boundary line to a point due south of Red Bluff Springs; thence north to the place of beginning. [As amended March 18, Stats. 1867, p. 129.]

SECS. 2 and 3. [Obsolete.]

4067. SEC. 4. Said County of Lincoln shall be entitled to, and shall elect at the next general election, two Senators and three Assemblymen. One of said Senators shall be elected for and shall hold office as Senator for the term of two years, and the other Senator for four years. [As amended March 4, Stats. 1871, p. 131.] **Increase of representation in Legislature.**

An Act concerning the boundaries of the Counties of Nye and Lander.

[Approved March 1, 1866, p. 183.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

4068. SECTION 1. Whenever, by consent of Congress, additional territory shall be added to the State of Nevada, on its eastern or southern border, or both, then, until further provided by law, all such added territory, lying east of Lander County, shall be a part of said Lander County. And all such part of added territory, lying south or east, or both, of Nye County, shall be a part of said Nye County; *provided*, that if any new county or counties shall be created, or organized, in the eastern or southern part of this State, then any part of such new additional territory lying directly east or south of such new county or counties, shall belong, respectively, to such new county or counties. **Territory added.**

An Act to establish and define the dividing line between the Counties of Churchill and Lander.

[Approved March 5, 1869, p. 128.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

4069. SECTION 1. The east line of the County of Churchill, and the west line of the County of Lander, being the dividing line between said counties, shall be established and defined in this Act, to wit: Commencing at a point where a line drawn due north and south through the Mount Airy Station would strike the south line of the County of Humboldt, if extended; thence, in a southwesterly direction, to the dividing ridge or center of Cone's Pass—a pass so called—in a range of mountains extending south of and including New Pass Station, called the New Pass Mountains; thence, in a southerly course, along the center of said range of mountains, to a point on the north line of Esmeralda County, immediately north of the Town of Ellsworth; said line to be so fixed and established along and over the course before mentioned, as to place on the westerly **Dividing line defined** side thereof, and which shall be included in the County of Churchill, all lands which shed or flow their waters into or towards the Edwards Creek Valley, and on the easterly side thereof, and which shall be included in the County of Lander, all lands which shed or flow their waters into or towards the Smith or Smith's Creek Valley, or the Reese River Valley.

An Act to define and establish the boundary line between the County of Nye and the Counties of Churchill and Esmeralda.

[Approved March 5, 1869, p. 128.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Boundary defined.

4070. SECTION 1. The boundary line between the County of Nye and the Counties of Churchill and Esmeralda shall be as follows: Beginning at the intersection of the meridian of longitude forty and fifteen (40° 15') west from Washington, with the eastern boundary line of California; thence northerly, along said meridian of longitude to its intersection with the thirty-eighth (38) parallel of north latitude; thence northwesterly to the Hot Springs, on the Wellington and Reese River Road; thence northerly to the thirty-ninth (39) parallel of north latitude; thence easterly to O'Donnell's Pass, on the Ione and West Gate Road; and from thence the said boundary line shall remain as heretofore established by law.

An Act to define and establish the boundary line between Humboldt and Lander Counties.

[Approved March 7, 1873, p. 189.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Boundary line established.

4071. SECTION 1. The boundary line between Humboldt and Lander Counties is hereby defined and established as follows, to wit: Beginning at the northwest corner of Lander County, and running due south on the present line between Humboldt and Lander Counties, to a point due west of Battle Mountain Station; thence due west twelve miles; thence in a direct line to the present northeast corner of Churchill County.

An Act to create the County of White Pine, and provide for its organization. (*Stats.* 1869, *p.* 108.) ([a])

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

4072. SECTION 1. The County of White Pine is hereby created, with the following boundaries, to wit: All that portion of the State of Nevada lying east of a line running due north and south through the most westerly part of the house known as Shannon's Station, on the westerly slope of Diamond Mountains, in Lander County, on the road from Austin to Hamilton, in said county, and south of a line running due east and west through the most northerly part of Camp Ruby, and north of the present line between the Counties of Nye and Lander, as located by Thomas J. Reed, County Surveyor of Lander County, made in eighteen hundred and sixty-eight. County created.

4073. SEC. 2. The county seat of said county is hereby located at the Town of Hamilton, provided the proprietors of said town, or other persons, shall, within one month after the passage of this Act, convey by deed to the County of White Pine, free and clear of all incumbrances (except the title of the United States), a plat of ground conveniently located and of sufficient size for a Court House, Jail, and other necessary county buildings, to remain the property of said county so long only as the same shall be used for county purposes; and if no such conveyance shall be made within such time, then the county seat may be located by order of the County Commissioners of said county. When such conveyance is made and accepted by said Board, the same shall be delivered to the County Commissioners, or some one of them, who shall cause it to be recorded. County seat located.

SEC. 3. [Names of county officers.]

4074. SEC. 4. The County of White Pine shall constitute one Senatorial and one Assembly District, and until otherwise provided shall be entitled to a representation of two (2) Senators and five (5) members of the Assembly in the Legislature of the State. ([b]) One Senatorial and Assembly District.

SECS. 5, 6, and 7 are or will soon be obsolete, hence not inserted.

(a) Passed, notwithstanding the objections of the Governor.

(b) Shermantown, incorporated, Stats. 1869, p. 175; Treasure City, incorporated, Stats. 1869, p. 122; payment of indebtedness of Treasure City, Stats. 1871, p. 48; Hamilton incorporated, Stats. 1871, p. 95; disposition of money received from Lewis Cook's sureties, Stats. 1873, p. 189; certified copies of records and transfer of suits from Lander County, Stats. 1869, p. 137.

An Act to create the County of Elko, and to provide for the organization thereof.

[Approved March 5, 1869, p. 153.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

County created. Boundaries. 4075. SECTION 1. All that portion of the present County of Lander, lying within the following boundaries, to wit: East of a line drawn north and south through a point on the Central Pacific Railroad track, three miles west of the machine shop of the Central Pacific Railroad Company, situated in the Town of Carlin, and north of a line drawn east and west through the most northerly part or portion of the military post or camp known as Camp Ruby (being the northerly line of the proposed County of White Pine), is hereby created a new county, to be known as the County of Elko. County seat. The county seat of said county is hereby located at Elko; *provided*, the proprietors of said town, or other persons, shall, within one month from the date of the passage of this Act, convey by proper deed to said County of Elko, free and clear of all incumbrances, a plat of ground suitably located, and of sufficient dimensions for a Court House and Jail, and other necessary county buildings; the same to remain the property of the county so long as used for county purposes. If no such conveyance be made to the approval and acceptance of a majority of the Board of County Commissioners, County Commissioners to select, when. then the county seat of said county shall be selected by the Board of County Commissioners first selected under the provisions of this Act. If the conveyance aforesaid be accepted, entry of such fact shall be noted in the minutes of proceedings of the Board of County Commissioners appointed herein, and Deed. the deed shall be filed and recorded in the proper County Recorder's office, and thereafter vest the title of the land conveyed in the county, as in this section provided.

SECS. 2, 3, 4, 5, 7, 8, 9, and 10, are, or will soon be, obsolete.

Representation in Legislature increased. 4076. SEC. 6. Said County of Elko shall be entitled to, and elect at the next general election, two Senators and four Assemblymen. One of said Senators shall be elected for and shall hold office as Senator for the term of two years, and the other Senator shall be elected for and shall hold office for the term of four years; and at every general election thereafter, there shall be elected one Senator, to hold office for the term of four years, and four Assemblymen, to hold office for the term of two years. [As amended January 31, Stats. 1873, p. 50.]

An Act to define and establish the boundary lines of Elko County, Nevada.

[Approved March 1, 1871, p. 92.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Boundary lines of Elko defined.

4077. SECTION 1. The boundary lines of the County of Elko are hereby defined and established as follows, to wit: Commencing at the northwest corner of Utah Territory and running thence south along the western boundary of said Utah Territory to the present southeast corner of Elko County, as established by an Act of the Legislature of the State of Nevada, approved March fifth, eighteen hundred and sixty-nine; thence west along the south boundary of said Elko County to the present southwest corner of Elko County; thence north along the east boundary of Lander County to the forty-first parallel of north latitude; thence west with said parallel to the east boundary of Humboldt County; thence north along the east boundary of Humboldt County to the south boundary of Oregon; thence east along the south boundary lines of Oregon and Idaho Territory to the place of beginning.

Records of Lander to be transcribed.

4078. SEC. 2. The County Recorder of Lander County is hereby authorized and empowered, and it shall be his duty to transcribe into suitable books, all the records in his custody appertaining or relating to or affecting the title to any property situated within the portion of territory taken from the County of Lander and annexed to the County of Elko, by virtue of the alteration and reëstablishment of the boundary lines of said Elko County, as described in section one of this Act. Said Recorder shall make suitable index to said records; said transcript and index shall be made as soon as practicable after the passage and approval of this Act, and when completed shall be delivered to the County Recorder of said Elko County, and shall thereafter be kept in his office, and shall have the same force and effect as other county records.

SEC. 3. [Obsolete.]

Expenses of criminal case.

4079. SEC. 4. All charges, expenses, or expenditures incurred or paid by the County of Lander, by reason of any criminal trials or proceedings had in the District Court of the Sixth Judicial District, in or about matters or causes arising in that portion of Lander County which is by section one of this Act ceded and annexed as part of the County of Elko, shall be paid by said County of Elko to said County of Lander, upon the presentation to the County Auditor of Elko County a bill or bills specifying the items therein charged, after the same shall first have been allowed by the Board of County Commissioners of Lander County, and certified to by the District Judge of said Lander County, that each and every item in said bill or bills are correct. Then, in that case, the County Auditor of Elko County is hereby authorized and directed to draw his warrant in favor of the County of Lander for the amounts so certified to, as above provided, to be paid out of the General Fund of said Elko County.

The claim of J. N. Williams, Stats. 1871, p. 58; Elko Water Company, Stats. 1873, p. 134.

An Act to create the County of Eureka and provide for its organization.

[Approved March 1, 1873, p. 107.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

County created. 4080. SECTION 1. The County of Eureka is hereby created, with the following boundaries, to wit: All that portion of the State of Nevada bounded and described as follows, viz: Beginning at a point on the north boundary line of Lander County, equidistant between the northeast and northwest corners of said Lander County; thence running due south from said initial point to the south boundary line of said Lander County; thence running east along said south boundary line of Lander County to the southeast corner of said Lander County; thence running north along the east boundary line of said Lander County to the northwest corner of White Pine County; thence running west along the south boundary line of Elko County to the southwest corner of said Elko County; thence running along the west boundary line of Elko County to the northeast corner of said Lander County; thence running west along the north boundary line of said Lander County to the place of beginning. The County of Eureka shall employ and pay some competent surveyor to establish the boundary line between the said Counties of Lander and Eureka.

County seat. 4081. SEC. 2. The county seat of said county is hereby located at the Town of Eureka. A Court House, Jail, and other necessary county buildings shall be provided by the County Commissioners of said county.

SEC. 3. [Names county officers, and provides for special election.]

Senatorial and Assembly representations. 4082. SEC. 4. The Counties of Lander and Eureka shall be entitled, severally, to elect Senators and Assemblymen, as prescribed in this section, to wit: At the general election, for members of the Legislature, in the year eighteen hundred and seventy-four, the County of Lander shall elect one Senator and two Assemblymen; and the County of Eureka shall elect two Assemblymen at said election; and at the general election, in the year eighteen hundred and seventy-six, the County of Eureka shall elect one Senator and two Assemblymen; *provided*, that if a vacancy shall occur in the office of Senator from Lander County, now filled by the Hon. G. W. Cassidy, by reason of his death, resignation, or otherwise, then the Counties of Lander and Eureka shall jointly elect one Senator to fill such vacancy for the unexpired term.

Salaries of officers.

4083. SEC. 5. The salary of the District Attorney for Eureka County is hereby fixed at twelve hundred ($1,200) dollars per annum; and the salary of the County Treasurer shall be sixteen hundred ($1,600) dollars per annum; and the salary of the County Superintendent of Public Instruction shall be fixed by the County Commissioners, not to exceed six hundred ($600) dollars per annum; and their fees shall be the same as officers of like character under the laws of this State.

Eureka to pay portion of Lander debt.

4084. SEC. 6. The County of Eureka shall assume and pay to Lander County one half of the debt of said county at the time this Act takes effect. For the purpose of paying said amount twenty per cent of all the county revenues collected by the County of Eureka shall be placed in a Fund, to be called the Lander County Debt Fund, which Fund shall be applied exclusively to the payment of said debt until the whole of said share of indebtedness shall be paid. Warrants drawn upon the County of Eureka in favor of the County of Lander, under the order of the Board of Commissioners of Eureka County, shall be paid out of said Fund by the Treasurer of said county until the said share shall be fully satisfied. All moneys received from Eureka County by Lander County shall be accredited in the Redemption Fund of said latter county. The County Commissioners of the respective counties aforesaid shall conjointly determine the amount of said debt that the said Eureka County shall pay to the said County of Lander.

Eureka, part of Sixth Judicial District, to pay half of Judge's salary.

4085. SEC. 7. Eureka County shall be a portion of the Sixth Judicial District until otherwise provided by law. It shall be the duty of the District Judge of the Sixth Judicial District to hold the terms of Court in said Eureka County, at the county seat of said county, commencing on the first Monday of February, May, August, and November, successively, after the organization of said Eureka County. (a) Said Eureka County shall pay one half of the salary of the Judge of the Sixth Judicial District, out of the District Judge's Salary Fund of said county, under the order of the County Commissioner of said Eureka County, after the organization of said county, until otherwise provided by law.

(a) Act relative to school moneys, Stats. 1873, p. 113. Eureka to receive its proportion, etc., Stats. 1873, p. 115. Bonds authorized to be issued, Stats. 1873, p. 150. White Pine and Eureka, Sixth District, see Sec. 972.

Transfer of action.

4086. SEC. 8. All suits now pending in the District Court of the Sixth Judicial District, which in any way appertain to property, real, personal, or mixed, belonging to or being in the County of Eureka after its organization, and all actions for the recovery of any debt, claim, or demand whatsoever, between citizens of Eureka County, shall (if then undetermined), at least ten days before the first day of the first term of the District Court of the Sixth Judicial District, be by the County Clerk of Lander County transferred, duly and legally certified, to the County Clerk of Eureka County, and all suits so transferred, shall be by the County Clerk of Eureka County, filed in his office, and entered in the calendar of the aforesaid first term of said District Court; *provided*, where both the plaintiff and defendant to any suit shall file a written statement with the County Clerk of Lander County, requesting that the suit to which they are parties may be determined in said Sixth Judicial District, then, and not otherwise, said suit or suits shall not be transferred as herein provided.

Recorder of Lander to transcribe records, etc.

4087. SEC. 9. The County Recorder of Lander County is hereby authorized and empowered, and it shall be his duty, to transcribe into suitable books, all the records in his custody, pertaining or relating to or affecting the title to any property situated in said County of Eureka, and to make a suitable index thereto. Said transcript and index shall be made as soon as practicable after the passage of this Act, and when completed shall be delivered to the County Recorder of said Eureka County, and shall thereafter be kept in his office, and shall be, for every purpose, of the same force and effect as other county records. The Recorder of Lander County shall be entitled to receive, as compensation for the services hereby imposed, one half of the fees now allowed by law for recording and indexing written instruments in his office. His claims for said compensation shall be allowed by the County Commissioners of Eureka County on the completion and delivery of said transcript and index, and be paid as other claims against said county.

Act to take effect when.

4088. SEC. 10. The provisions of this Act shall take effect and be in full force from and after the twentieth day of March, A. D. eighteen hundred and seventy-three, at which time said county shall be duly organized.

CHAPTER CLXIII.

OF THE SURVEY OF BOUNDARIES BETWEEN COUNTIES.

SECTION 4089. County boundaries authorized to be surveyed.
4090. Duty of County Surveyors.
4091. Same.
4092. Reports and maps to be made.
4093. Expenses.
4094. Compensation.
4095. Act, how construed.

An Act authorizing the survey and establishment of boundaries between the several counties of this State.

[Approved February 26, 1866, p. 130.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

County boundaries authorized to be surveyed.

4089. SECTION 1. The County Commissioners of the several counties of this State are hereby authorized and required to have made an accurate survey of the boundaries between the several counties within this State, in which the same have not been established according to law; and said survey shall be commenced within six months after the passage of this Act. And the Commissioners of the counties adjoining are required to arrange for the making of such survey, and notify the County Surveyors of their respective counties thereof.

Duty of County Surveyors.

4090. SEC. 2. It shall be the duty of the County Surveyors of the several counties where the boundaries have not been established by survey, to meet at such time and place as the County Commissioners of the said counties shall designate, and proceed to survey the boundary lines between the same.

Same.

4091. SEC. 3. If the Surveyor or Surveyors of any county or counties shall fail to meet the Surveyor or Surveyors of the county or counties adjoining, at the time and place designated by the County Commissioners, the Surveyor or Surveyors of the county or counties who may be present shall proceed to make the survey, and the same shall be the established boundaries between such counties.

Reports and maps to be made.

4092. SEC. 4. The County Surveyors of the several counties where such boundaries are surveyed are hereby required to make out a report and maps of the same, one copy to be deposited with the County Clerks of said counties as aforesaid, and a joint copy of the counties adjoining to be transmitted to the Secretary of State.

Expenses.

4093. SEC. 5. The expenses of such surveys shall be borne jointly by the several counties, pro rata, according to the number of miles surveyed on the line of each county.

Compensation.

4094. SEC. 6. The Boards of the County Commissioners of the counties on the line of which such surveys shall be so made, are hereby authorized and empowered to allow reasonable and proper compensation, and all necessary expenses incurred in making the surveys, as aforesaid, and upon such allowance the County Auditor of such counties respectively, is hereby directed to draw his warrant on the County Treasurer therefor, in favor of the party or parties entitled to the same.

Act, how construed.

4095. SEC. 7. Nothing in the provisions of this Act shall be construed so as to compel or enforce the Board of County Commissioners of the several counties of this State to have any county line or lines surveyed and established, except where such county lines or line is now, or may hereafter be, in dispute by reason of the settlement of persons and the ownership of property along such county line or lines.

CHAPTER CLXIV.

OF THE LOCATION OF COUNTY SEATS.

SECTION 4096. Proceedings, sufficiency of, how determined.
4097. Counties joined for judicial purposes.
4098. County seats located.

An Act defining the judicial districts, fixing the terms of the Supreme and District Courts of the Territory, locating the county seats of the several counties of the Territory, and providing for the transfer and trial of actions.

[Approved November 29, 1861, p. 290.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

SECS. 1 to 11, both inclusive, are obsolete. ([a])

Proceedings, sufficiency of, how determined

4096. SEC. 12. The validity or sufficiency of any legal proceeding, process, or order, heretofore had or issued by any Court or officer of this State, shall be determined by the laws which were in force at the time such proceeding, process, or order was had or performed, notwithstanding the repeal of any law regulating the same.

Counties joined for judicial purposes.

4097. SEC. 13. When one county is joined to another for judicial purposes, the two counties so joined shall be treated as one county so far as all business pertaining to the District and Probate Courts are affected; in all other respects such counties shall be treated as distinct organizations.

County seats located.

4098. SEC. 14. The county seats of the counties of this State are hereby located as follows: In the County of Esmeralda, at Aurora; in the County of Douglas, at Genoa; in the County of Ormsby, at Carson City; in the County of Washoe, at Washoe City; in the County of Storey, at Virginia City; in the County of Churchill, at Buckland's; in the County of Humboldt, at Unionville, in the County of Lake, at such point as shall be decided by a vote of a majority of the voters of said county, at the first election to be held therein; and in the County of Lyon, at Dayton.

(a) Secs. 1 to 11 relate to Judicial Districts, terms of Supreme and District Courts, and the transfer of civil and criminal actions pending at the date of the passage of the above Act, and are obsolete.

CHAPTER CLXV.

OF THE REMOVAL OF COUNTY SEATS.

SECTION 4099. Manner of removing or locating county seats.
4100. Canvass of votes.
4101. Books, etc., to be removed; failure to remove.
4102. Election, how conducted.

An Act providing for the removal of county seats and the permanent location of the same.

[Approved March 2, 1867, p. 78.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

4099. SECTION 1. When any number of legal voters of any county in this State, equal to three fifths of the whole number of votes cast at the last general election in said county, shall petition the Board of County Commissioners of such county for the removal or location of the seat of justice, the County Commissioners shall, within fifty days thereafter, cause an election to be held at the various places of voting in said county; said Commissioners giving thirty days notice in some newspaper published in the county, or by posting written or printed notices at the several voting precincts in the county. Such notice shall state the time and place of holding, and the purposes for which such election is held. And any election provided for in this Act, may be held on the day of any general election for either State or county officers in such county. The place receiving a majority of all the votes cast at such election shall be declared the county seat; *provided*, no place receives a majority of all the votes cast, there shall be held a second election for said seat of justice on the second Tuesday thereafter, at which second election the balloting shall be confined to the two places having the highest number of votes at the first election, as provided for in this Act; *provided*, that where the county seat of any county has been located by Commissioners, such location shall not be held to be a location by the people. **Manner of removing or locating county seats.**

4100. SEC. 2. The Board of Commissioners shall meet on the Monday following said election and proceed to canvass the vote, and the place having received the majority of all the votes cast shall be proclaimed by them the seat of justice for the said county. **Canvass of votes.**

4101. SEC. 3. The county officers who are required by law to keep their offices at the county seat, shall, within twenty days after said proclamation, remove all books, records, papers, and furniture belonging to the county to the placed named; and if any officer shall fail to remove within the time prescribed by this section, he or his sureties shall pay to the county the sum **Books, etc., to be removed.** **Failure to remove.**

of twenty dollars for each and every day of such failure, to be sued for and collected by the Board of County Commissioners.

Election, how conducted. 4102. SEC. 4. The elections provided for in this Act shall be conducted in all respects as provided for by the general election laws of this State.

SPECIAL ACTS REMOVING COUNTY SEATS.

Nye County—Stats. 1867, p. 47.
Washoe County—Stats. 1871, p. 59.
Humboldt County—Stats. 1873, p. 69.
Lincoln County—Stats. 1871, p. 75; located temporarily.
Lincoln County—Stats. 1871, p. 64; question submitted to the people.
Esmeralda County—Stats. 1873, p. 180.

CHAPTER CLXVI.

OF THE PAYMENT OF THE INDEBTEDNESS OF ESMERALDA COUNTY, AND AUTHORIZATION OF THE LEVY OF AN ADDITIONAL TAX.

SECTION 4103. Unlawful for Treasurer to pay warrants.
4104. Commissioners required to create Redemption Fund; moneys, how disbursed.
4105. Duty of Treasurer; proposals for surrender of indebtedness.
4106. Proposals opened; proviso.
4107. Accepted bids; warrants, how canceled; vouchers; lowest bid; Treasurer to return unaccepted bids; separate accounts.
4108. Auditor authorized to draw warrants.

TAX AUTHORIZED TO PAY COURT HOUSE BONDS.

4109. Commissioners of Esmeralda County to levy tax to pay Court House bonds.

An Act to provide for the payment of the indebtedness of Esmeralda County.

[Approved February 10, 1869, p. 58.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Unlawful for Treasurer to pay warrants. 4103. SECTION 1. From and after the passage of this Act it shall not be lawful for the Treasurer of Esmeralda County to pay any warrant drawn on the treasury of said county prior to the passage of this Act, except in the manner hereinafter provided.

Commissioners required to create Redemption Fund. Moneys, how disbursed.

4104. SEC. 2. The Board of County Commissioners of said county are hereby authorized and directed, from and after the passage of this Act, to create in the County Treasury of said county, a Fund, to be known and denominated the "Redemption Fund" of said county; and all moneys coming into the Treasury from and after the passage of this Act, ordered to be paid into the General Fund, shall be paid into the Redemption Fund. The moneys placed in the Redemption Fund created by this Act shall be disbursed as hereinafter provided.

Duty of Treasurer. Proposals for surrender of indebtedness.

4105. SEC. 3. Whenever at any time there shall be in said Redemption Fund the sum of five hundred dollars or more, it shall be the duty of the County Treasurer of said county to give at least ten days' notice, by publication in some newspaper published in the county; if there be no newspaper published in said county, or if the publisher of such paper shall fail or refuse to publish such notice, for any cause whatever, then in that case the Treasurer of said county shall cause said notice to be posted upon the Court House, that sealed proposals, directed to him, will be received for the surrender of county indebtedness, audited and allowed by the Board of County Commissioners, and payable out of the General Fund of said county.

Proposals opened. Proviso.

4106. SEC. 4. On the first day of such regular meetings of said Board of County Commissioners, they, together with the County Auditor and Treasurer, shall attend at the meeting room of such Board, and then and there open all sealed proposals, and accept the lowest bid or bids for the surrender of legal evidence of county indebtedness against said General Fund audited; *provided*, that no bid for more than par value shall be accepted by them, nor any bid unless accompanied with the legal evidence of indebtedness proposed to be surrendered.

Accepted bids. Warrants, how canceled. Vouchers. Lowest bid. Treasurer to return unaccepted bids. Separate accounts.

4107. SEC. 5. When any bid or bids are accepted, the County Auditor shall take a description of the indebtedness to be surrendered, specifying the amount to be paid for each, the date, number, and amount thereof, and make a record thereof; and thereupon the Board of County Commissioners shall, by order, direct the County Treasurer to purchase the warrants of indebtedness designated in the accepted bid or bids, and pay for the same out of the Redemption Fund aforesaid; and all warrants so surrendered shall be canceled by the County Treasurer, by writing across the face thereof, in red ink, "purchased and redeemed," adding thereunto the time when and the amount paid therefor, signing the same officially. The order of the Board of County Commissioners aforesaid, together with the record made by the County Auditor, as herein required, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts. The bids specified in this Act being equal, preference shall be given to the smallest amount. That shall be deemed the lowest bid which offers the largest amount for the least sum of money. The bids and amounts of indebtedness being equal, taking into consideration both principal and interest, each shall be accepted pro rata, as near as possible. The County Treasurer shall return all unaccepted bids to the owners, on demand. The County Treasurer shall keep a separate account, under the heading of Redemption Fund, of all moneys received into said Fund, and of all moneys paid out of said Fund, and to whom paid. He shall also, in the register of county warrants kept by him, write, opposite each warrant redeemed under the provisions of this Act, the word "purchased," and the amount paid therefor.

Auditor authorized to draw warrants.

4108. SEC. 6. From and after the passage of this Act, the County Auditor of said county is hereby authorized to draw his warrant for all indebtedness of said county now existing, or which may be hereafter contracted by said Esmeralda County; *provided*, always, that such indebtedness shall first have been duly examined and allowed by the Board of County Commissioners of said county.

An Act to amend an Act entitled "An Act to authorize the County Commissioners of the several counties of this State to build or purchase buildings suitable for county purposes," approved March tenth, eighteen hundred and sixty-five.

[Approved March 4, 1871, p. 132.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Commissioners of Esmeralda County to levy tax to pay Court House bonds.

4109. SECTION 1. In addition to the tax authorized to be levied by the provisions of the Act of which this Act is amendatory, the Board of County Commissioners of Esmeralda County are hereby authorized to levy and cause to be collected, should they deem the same necessary, an additional tax, not exceeding one half of one per cent on the taxable property in said county, for the purpose of paying the interest and principal of the bonds issued in pursuance of the provisions of said Act, and known as the "Court House Bonds." Said tax to be levied, collected, and applied as provided in section three of the Act of which this Act is amendatory.

CHAPTER CLXVII.

OF THE PAYMENT OF THE INDEBTEDNESS OF DOUGLAS COUNTY.

SECTION 4110. Treasurer prohibited from paying warrants.
4111. Redemption Fund created; revenue to be transferred; disbursed.
4112. Duty of Treasurer; proposals for surrender of warrants.
4113. Proposals opened; accept the lowest bid; classes; preferences.
4114. Accepted bids; warrants to be canceled; vouchers; lowest bid; Treasurer to return warrants; separate account to be kept.
4115. Warrants drawn and purchasable out of Redemption Fund.

An Act to provide for the payment of the outstanding indebtedness of Douglas County.

[Approved February 23, 1865, p. 170.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

4110. SECTION 1. From and after the passage of this Act it shall not be lawful for the Treasurer of Douglas County to pay any warrant drawn on the treasury of said county prior to the passage of this Act, excepting in the manner hereinafter provided. **Treasurer prohibited from paying warrants.**

4111. SEC. 2. The Board of County Commissioners of said county are hereby authorized and directed, from and after the passage of this Act, to create in the County Treasury of said county a Fund, to be known as the "Redemption Fund" of said county. **Redemption Fund created.** As soon after the passage of this Act as is practicable they shall cause to be transferred into said Redemption Fund thirty-three and one third (33⅓) per cent of all county revenues in the County Treasury of said county at the time of the taking effect of this Act; and the County Treasurer of said county is hereby expressly prohibited from paying out any portion of said thirty-three and one third (33⅓) per cent of said revenues from said treasury until the said order of transference to be made by said Board of County Commissioners, as hereinbefore provided for, is duly certified to such Treasurer; and they shall cause thirty three and one third (33⅓) per cent of all county revenues paid into the treasury of said county, at any time after the passage of this Act, to be placed in said Redemption Fund as soon as paid into said treasury. **Revenue to be transferred** The moneys placed in the Redemption Fund created by this Act shall be disbursed as hereinafter provided. **Disbursed.**

4112. SEC. 3. Whenever at any time there shall be in said Redemption Fund the sum of five hundred dollars, or more, it shall be the duty of the County Treasurer of said county to give fifteen days notice, by publication in some newspaper published at the county seat of said county, or if there is no newspaper published at the county seat of said county, then said notice shall be published in some newspaper in Storey County, of general daily circulation, that sealed proposals, directed to him, will be received for the surrender of county warrants, issued prior to the passage, or under the provisions, of this Act, and that said proposals will be received by him until the next regular meeting of the Board of County Commissioners of said county thereafter. **Duty of Treasurer.** **Proposals for surrender of warrants**

4113. SEC. 4. On the first day of such regular meeting of said Board of County Commissioners, they, together with the County Auditor and Treasurer, shall attend at the office of the latter, and then and there open all sealed proposals, and accept the lowest bids for the surrender of county warrants, specified in the preceding section; *provided*, that no bid for more than par value shall be accepted by them, nor any bid, unless accompanied by the warrant or warrants proposed to be surrendered. **Proposals opened.** **Accept the lowest bid.**

Classes. Prefer- ences. All outstanding warrants of said county are hereby divided into two classes. All warrants issued prior to the first day of June, eighteen hundred and sixty-four, shall be deemed the first class; and all issued subsequent to said date, shall be deemed the second class. In the consideration of any bid or bids made in pursuance of the provisions of this Act, the County Commissioners shall give a preference of twenty (20) per cent to warrants of the first class, over and above those of the second class.

Accepted bids. 4114. SEC. 5. When any bids are accepted, the County Auditor and County Treasurer shall each take a description of the warrants to be redeemed, specifying the amount to be paid for each warrant, the date, number, and amount thereof, and make a record thereof in their respective offices; and thereupon the Board of County Commissioners shall, by order, direct the County Treasurer to purchase the warrants designated in the accepted bid or bids, and pay for the same out of the Redemption Fund aforesaid; and all warrants so redeemed shall be canceled by the County Treasurer, by writing across the face thereof, in red ink, "purchased and redeemed," adding thereto the time when, and the amount paid therefor, and signing the same officially. The order of the Board of County Commissioners aforesaid, together with the record made by the County Auditor, as herein required, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts. The bids specified in this Act being equal, preference shall be given to the smallest amount. That shall be deemed the lowest bid which offers the largest amount of warrants for the least sum of money. The bids and amounts of warrants being equal, taking into consideration both principal and interest, each shall be accepted pro rata, as nearly as possible. The County Treasurer shall return all unaccepted bids, together with the warrants therein contained, to the owners, on demand. The County Treasurer shall keep a separate account, under the heading of Redemption Fund, of all moneys received into said Fund, and of all moneys paid out of said Fund, and to whom paid. He shall, also, on the register of county warrants, kept by him, write opposite each warrant redeemed under the provisions of this Act, the word "purchased," and shall state the amount paid therefor.

Warrants to be canceled.

Vouchers.

Lowest bid.

Treasurer to return warrants.

Separate account to be kept.

Warrants drawn and purchasable out of Redemption Fund. 4115. SEC. 6. When any claim against said county, which accrued prior to the passage of this Act, is allowed by the Board of County Commissioners of said county after the passage of this Act, the same shall be allowed as purchasable out of the Redemption Fund of said county, and all warrants drawn for the payment of the same shall be drawn upon and purchasable out of said Redemption Fund, in the same manner provided by this Act for the purchase of other county warrants with moneys of said county in said Redemption Fund.

Special tax authorized to repair county buildings. Stats. 1873, p. 118.

CHAPTER CLXVIII.

OF THE PAYMENT OF THE INDEBTEDNESS OF ORMSBY COUNTY.

SECTION 4116. Treasurer not to pay warrants.
4117. Redemption Fund created; apportionment to Fund; not to be used for other purposes.
4118. Redemption Fund, for what used.
4119. Duty of Treasurer; proposals for surrender of warrants, etc.
4120. Opening of proposals; lowest bid accepted; provisos; notice of money in Fund; money to be reserved in Fund; when otherwise applied; when to be placed in General Fund.
4121. Accepted bids; bonds, etc., to be canceled; Auditor to return unaccepted bids; separate account to be kept.
4122. Lowest bid, how determined; per cent added not to form a debt; to be paid pro rata when bids are equal.
4123. Indigent Sick Fund abolished; claims payable out of General Fund.
4124. What shall be paid before proposals are advertised.
4125. Money in Current Expense Fund to be transferred to General Fund.
4126. What provisions Act not to conflict with; Acts repealed.

An Act to consolidate and pay certain indebtedness of the County of Ormsby.

[Approved March 12, 1866, p. 255.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

4116. SECTION 1. After the passage of this Act the Treasurer of Ormsby County shall not pay the principal nor interest of any bond, warrant, scrip, or allowance, against the Building Fund, General Fund, Contingent Fund, nor Hospital Fund of Ormsby County, created by any Act or Acts of the Governor and Legislative Assembly of the late Territory of Nevada, except in the manner provided in this Act. **Treasurer not to pay warrants.**

4117. SEC. 2. A Redemption Fund of said county is hereby created, into which the Treasurer of said county is authorized and required, upon the passage of this Act, to transfer all moneys in the aforesaid Building, General, Hospital, and Contingent Funds, and said Treasurer is further authorized and required to place in said Redemption Fund all moneys hereafter collected (after the expenses of repairs shall have been ascertained and deducted) from rents of the "County Build- **Redemption Fund created.**

ing" of said county; also, all moneys hereafter collected on delinquent taxes due to said county prior to the year A. D. eighteen hundred and sixty-six, levied and collected heretofore for the aforesaid Building, Hospital, General, and Contingent Funds, and for a Jail Building Fund in eighteen hundred and sixty-three. In addition, the Board of County Commissioners of said county, at the time fixed by law for the levy of State and county taxes of the amount of taxes allowed by law to be levied for general county purposes, shall apportion not less than twenty nor more than forty cents on each one hundred dollars worth of taxable property in said county to the said Redemption Fund; and none of the moneys directed by this Act, or the Act hereby amended, to be paid and placed into said Redemption Fund, shall be used for any other purpose or purposes than those specified in the Act creating said Redemption Fund, and Acts amendatory thereto. [As amended February 10, Stats. 1869, p. 57.]

Apportionment to Fund.

Not to be used for other purposes.

Redemption Fund, for what used.

4118. SEC. 3. The Redemption Fund shall be used only for the purposes of redeeming and paying the obligation aforesaid, in the manner specified in this Act, to wit: The bonds of Ormsby County, given for the purchase of its buildings, and the warrants and claims allowed against the aforesaid General, Hospital, and Contingent Funds of Ormsby County.

Duty of Treasurer.

4119. SEC. 4. Whenever the Treasurer of Ormsby County shall have in the Redemption Fund created by this Act, a sum exceeding five hundred dollars, he shall give fifteen days' notice of that fact, by publication in some newspaper printed at the county seat of Ormsby County, or if none is so printed, then by posting notices thereof in three public places in said county; and, also, that the Auditor of said county will receive sealed proposals for the surrender of bonds, warrants, and claims, payable out of said Redemption Fund, to the amount of his means to purchase, as provided in this Act, and that such proposals, including the warrants offered to be surrendered, will be received until the first Monday of the month after the term of such notice has expired. (1)

Proposals for surrender of warrants, etc.

(1) Sections four and five of the Act of March twelfth, eighteen hundred and sixty-six, in regard to the consolidation and payment of the debts of Ormsby County, are ambiguous as to one point, and equally capable of either construction, as to whether there shall be paid out on bids for the surrender of county indebtedness, all money in the Redemption Fund when the bidding is closed, or only such money as is in the Fund the day an advertisement for bids is first published. The former construction being most beneficial to the public, will be adopted.—Haydon v. Board of Supervisors Ormsby County, 2 Nev., p. 371.

Opening of proposals.

4120. SEC. 5. On the first Monday of the next month after such notice has expired, or on the first day of the next regular meeting of the Board of Commissioners of said county after said notice has so expired, the Auditor of said county, in the presence of said Board of Commissioners and of the County Treasurer, shall open said sealed proposals, and accept the lowest

Lowest bid accepted. Provisos. Notice of money in Fund. Money to be reserved in Fund. When otherwise applied. When to be placed in General Fund.

bids for the surrender of any bonds, warrants, or legal claims, payable out of said Redemption Fund of said county to the full amount of money then in said Fund; *provided*, that no bid asking a greater amount than the principal and interest then due upon such bond, warrant, or legal claim shall be considered or accepted; nor shall any proposal be considered or accepted unless it be accompanied by the obligation or obligations of said county proposed to be surrendered; *and, provided further*, that when sealed proposals are opened, as above prescribed, if there be not a sufficient amount of obligations of said county offered, at not exceeding the amount of the principal and interest then due thereon, to exhaust the money then in said Redemption Fund of said county, the Treasurer of said county shall immediately give notice, for ten days, as required for sealed proposals, of the amount of money remaining in said Fund, and that the same will be applied to the payment of the then oldest outstanding obligations of said county (specifying them), payable out of said Fund, at par of principal and interest then due thereon; and shall state in such notice that the obligations specified in the notice will, if not presented and paid, cease to bear interest from and after the expiration of said notice; and the money so specified for their payment shall be reserved in the said Fund for that purpose until called for under such notice, provided it be called for within two years; and if not so called for within two years after such notice, such money shall then be applied to the payment of other obligations of said county, payable out of said Redemption Fund, if there be any such, and if none, then said money shall be placed in the General Fund of said county. [As amended March 4, Stats. 1871, p. 51.]

Accepted bids. Bonds, etc., to be canceled. Auditor to return unaccepted bids. Separate account to be kept.

4121. SEC. 6. When any bids are accepted, the County Auditor and County Treasurer shall each take a description of the obligations to be redeemed, specifying the amount to be paid on each obligation, the date, number, and amount thereof, and make a record of such description in their respective offices; thereupon the Board of Commissioners shall, by an order entered on their records, direct the Treasurer to purchase such obligations designated in the accepted bids, and pay for the same out of the Redemption Fund aforesaid, the amount at which such obligations were respectively offered to be surrendered. All bonds, warrants, or claims, so redeemed, shall be canceled by the County Treasurer, by writing across the face thereof in red ink, "Purchased," adding thereto the time when and the amount paid therefor, and signing the same officially. The order of the Board of Commissioners and the record of the Auditor, authorizing the payment of such obligations, shall be sufficient vouchers for the Treasurer in making his settlement. The County Auditor shall return all unaccepted bids, together with the obligations accompanying them, to their owners upon their demand. The County Treasurer and Auditor shall keep a separate account of all moneys received into and paid out of the Redemption Fund, and to whom and for what paid. The County Treasurer shall also, on the register of warrants kept by him, write opposite each warrant redeemed under the provisions of this Act, the word "Purchased," and state the amount paid therefor.

Lowest bid, how determined

4122. SEC. 7. To determine what is the lowest bid, as between any two or more obligations offered to be surrendered under the provisions of this Act, and at the same time to give a preference to obligations of said county longest remaining unpaid, the Board of County Commissioners shall compute the principal and interest due upon such obligations by its terms, and add to the amount of such principal and interest a further sum of one and one fourth per cent on the principal of such obligation, for each period of three months after it would have been paid had funds existed for its payment when presented, up to the day of opening such bid; but such further sum of one and one fourth per cent being so added, solely for the purpose of computation, shall not be considered as forming a debt due by the county and to be redeemed under the provisions of this Act, but such debt shall consist of the principal of the obligation, together with the interest allowed thereon, from the time of registration under the then existing laws. The obligations upon which the largest discount is offered to be allowed by this method of computation, shall be deemed the lowest bids, and shall be accepted as such and ordered to be paid. When the lowest bids are equal in discount, and one or more owners shall offer more obligations than the Treasurer has funds to pay, their several obligations shall be paid pro rata, so far as the whole of any obligation or obligations can be redeemed; and in case none of such obligations are small enough to be redeemed by the Treasurer out of the money in the Redemption Fund, then such bidders may, in the presence of the Commissioners, deliver their sealed bids upon such obligations, and the lowest of such bids shall then be paid.

Per cent added not to form a debt.

To be paid pro rata when bids are equal.

Indigent Sick Fund abolished.

4123. SEC. 3. Upon the passage of this Act, the "Indigent Sick Fund" of said county shall be and is hereby abolished, and any moneys remaining therein shall be transferred by the Treasurer and Auditor, upon the books of their respective offices, to the "General Fund" account, and thereafter all existing unpaid claims against the said "Indigent Sick Fund" shall be payable out of the General Fund, in order of date of allowance, and as if they had originally been payable out of said Fund; and hereafter, all claims allowed as incident to the care, support, and maintenance of the indigent sick, shall be payable out of the General Fund. [Amendment of March 4, Stats. 1867, p. 81.]

Claims payable out of General Fund.

What shall be paid before proposals are advertised.

4124. SEC. 8. Out of said Redemption Fund, before any proposals for surrender of obligations shall be advertised for or received, there shall be paid in full, as preferred obligations, warrants first registered upon the General Fund, not exceeding the principal and interest, the amount of three thousand three hundred dollars; warrants first registered upon the Contingent Fund, not exceeding, in principal and interest, the amount of three hundred dollars; warrants first registered upon the Hospital Fund, not exceeding, in principal and interest, the amount of two hundred dollars; and the sum of seventeen hundred dollars shall, at the option of the holder or holders of the bonds of said county, be paid upon the interest of all such bonds, or in payment of any one bond, and the interest upon the balance of such bonds.

4125. SEC. 9. The Treasurer of Ormsby County shall transfer to the General Fund of said county, created under the Act entitled "An Act to provide revenue for the support of the government of the State of Nevada," passed March ninth, eighteen hundred and sixty-five, all moneys in the Current Expense Fund of said county, and all moneys hereafter collected from delinquent taxes levied for the benefit of said Current Expense Fund. And all claims now allowed against such Current Expense Fund shall be paid by warrants on the General Fund, mentioned in this section; and all moneys of said county hereafter collected, which were heretofore appropriated to the Current Expense Fund of said county, shall be paid into the General Fund mentioned in this section. Money in Current Expense Fund to be transferred to General Fund.

4126. SEC. 10. The provisions of this Act shall not be so construed as to conflict in any manner with the provisions of law for the payment of the salary of the District Judge of said county; nor with the Salary Fund of the Treasurer of said county; nor with the right of the various school districts of said county, to have certain moneys set apart for school purposes, in accordance with a decision of the Supreme Court, and an order of the Board of County Commissioners heretofore rendered and made. What provisions Act not to conflict with. An Act entitled "An Act to regulate the finances of Ormsby County," passed February twentieth, eighteen hundred and sixty-four, so far as its provisions are in conflict with this Act, is hereby repealed, and all other Acts and parts of Acts, but those herein excepted, so far as they are in conflict with this Act, are hereby repealed. Acts repealed.

Bonds authorized to be issued to the Virginia and Truckee Railroad Company, Stats. 1869, p. 43.

CHAPTER CLXIX.

OF THE FINANCES AND OUTSTANDING INDEBTEDNESS OF LYON COUNTY.

SECTION 4127. Treasurer prohibited from paying warrants.
4128. Redemption Fund created; tax apportioned; disbursed.
4129. Duty of Treasurer; proposals for surrender of accounts.
4130. Proposals for surrender of accounts opened; lowest bid to be accepted; proviso; money remaining, how disposed of; proviso.
4131. Accounts classified.
4132. Preference of classes.
4133. Accepted bids; accounts to be canceled; vouchers; preference; lowest bid; Treasurer to return accounts, etc.; separate accounts to be kept.
4134. Claims purchasable out of Redemption Fund.

SECTION 4135. Commissioners to pass on legality of accounts.
4136. Legal tender notes.
4137. When money to be transferred to General Fund.

An Act for the purpose of placing the finances of Lyon County upon a permanent cash basis, and to provide for the payment of the outstanding indebtedness of said county.

[Approved February 4, 1869, p. 52.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Treasurer prohibited from paying warrants.

4127. SECTION 1. From and after the passage of this Act, it shall be unlawful for the Treasurer of Lyon County to pay any account or accounts of said county, allowed or audited prior to the passage of this Act, except in the manner hereinafter provided.

Redemption Fund created. Tax apportioned. Disbursed.

4128. SEC. 2. The Board of County Commissioners of Lyon County are hereby authorized and required, from and after the passage of this Act, to create in the County Treasury a Fund, to be known as the Redemption Fund of Lyon County, by the additional levy to the amount of tax already allowed by law, to be levied for general county purposes, of twenty cents on each one hundred dollars valuation of the taxable property of said county; and the setting aside from the amount of tax, now by law authorized, twenty cents on each one hundred dollars valuation of the taxable property of said county, until the indebtedness hereinafter provided for, to wit, thirty-two thousand dollars, as principal, and no more, is fully paid. Said tax shall be levied, assessed, and collected, at the same time, and in like manner, as other State and county taxes; and the amount of tax so levied, assessed, and collected, shall be placed in said "Redemption Fund" as soon as paid into said treasury. The moneys placed in the "Redemption Fund," created by this Act, shall be disbursed only as hereinafter provided. [As amended March 7, Stats. 1873, p. 176.]

Duty of Treasurer. Proposals for surrender of accounts.

4129. SEC. 3. Whenever at any time there shall be in said Redemption Fund five hundred dollars ($500), or more, it shall be the duty of the County Treasurer of said county to give fifteen days' notice, by publication in some newspaper published at the county seat of said county; or if there is no newspaper published at the county seat of said county, then said notice shall be published in some newspaper in Storey County, of general daily circulation, that sealed proposals directed to him will be received for the surrender of the accounts allowed and audited prior to the passage or under the provisions of this Act; and that said proposals will be received by him until the next regular meeting of the Board of County Commissioners of said county thereafter.

Proposals for surrender of accounts opened. Lowest bid to be accepted.

4130. SEC. 4. On the first day of such regular meeting of such Board of County Commissioners, they, together with the County Auditor and County Treasurer, shall attend at the office of the latter, then and there open all sealed proposals, and accept the lowest bid or bids for the surrender of county accounts allowed and audited, as specified in the preceding section; *provided,* that no bid for more than par value shall be accepted by them; nor any bid, unless accompanied by the account or accounts allowed and audited against said county, proposed to be surrendered; *and, provided further,* that when sealed proposals are applied, as above prescribed, if there be not a sufficient amount of obligations of said county offered to exhaust the money then in said "Redemption Fund" of said county, the Treasurer of said county shall immediately give notice for ten days, as required for sealed proposals, of the amount of money remaining in said Fund, and that the same will be applied to the payment of the then oldest outstanding obligations of said county, specifying them by number, payable out of said Fund at par, and shall state in such notice that the obligations specified in the notice, if not presented for payment, shall cease to bear interest from and after the expiration of said notice, and the money so specified for their payment shall be reserved in the said Fund for that purpose, until called for under such notice; *provided,* it be not called for within two years after such notice, such money shall then be applied to the payment of other obligations of said county, payable out of said "Redemption Fund," if there be any such, and if none, then said money shall be placed in the General Fund of said county. [As amended February 28, Stats. 1871, p. 91.] Proviso. Money remaining, how disposed of. Proviso.

4131. SEC. 5. All outstanding accounts allowed and audited against said county are hereby divided into three classes: all accounts audited prior to the first day of January, one thousand eight hundred and sixty-seven (1867), shall be deemed the first class; and all audited from the first day of January, one thousand eight hundred and sixty-seven (1867), to the first day of January, one thousand eight hundred and sixty-eight (1868), shall be deemed the second class; and all audited subsequent to said date last named shall be deemed the third class. Accounts classified.

4132. SEC. 6. On the acceptance of any bid or bids, made in pursuance of the provisions of this Act, the County Commissioners shall give a preference of fifteen (15) per cent to audited accounts of the first class, over and above those of the second and third class; and a preference of ten (10) per cent to those of the second class, over and above those of the third class. Preference of classes.

4133. SEC. 7. When any bid or bids are accepted the County Auditor and County Treasurer shall each take a description of the account or accounts so allowed and audited to be redeemed, specifying the amount or amounts to be paid for the same, the date, number, and amount thereof, and make a record of the same in their respective offices; and thereupon the Board of County Commissioners shall, by order, direct the County Treasurer to purchase the account or accounts designated in the accepted bid or bids, and pay for the same in legal tender notes, or greenbacks at par, out of the Redemption Fund aforesaid; and all accounts (reference being had to the preference of class) allowed or audited, so redeemed, shall be canceled by the County Treasurer, by writing across the face thereof, in red ink, "Purchased and redeemed," adding thereto the time when, and the amount paid therefor, and signing the same officially. The order of the Board of County Commissioners Accepted bids. Accounts to be canceled.

Vouchers. aforesaid, together with the record made by the County Auditor, as herein required, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts. Preference. The bids specified in this Act being equal, preference shall be given to the smallest amount. Lowest bid. That shall be deemed the lowest bid which offers the largest amount of audited accounts for the least sum of money. The bids and amounts being equal, taking into consideration both principal and interest, each shall be accepted pro rata, as near as practicable. Treasurer to return accounts, etc. The County Treasurer shall return all unaccepted bids, together with the account or accounts therein contained, to the owners upon demand. Separate accounts to be kept. The County Treasurer shall keep a separate account, under the head of "Redemption Fund," of all moneys received into, and a correct account of all moneys paid out of, said Fund, and to whom paid. In the register hereinbefore provided he shall write opposite each account redeemed, under the provisions of this Act, the word "Purchased," and shall also state the amount paid therefor.

Claims purchasable out of Redemption Fund. 4134. SEC. 8. When any claim against said county, which accrued prior to the passage of this Act, is allowed by the Board of County Commissioners of said county, and audited by the Auditor of said county, after the passage of this Act, the same shall be allowed, and purchasable out of the Redemption Fund of said county, and all certified evidences of such indebtedness, allowed and audited as aforesaid, shall be drawn upon and purchasable out of said Redemption Fund, in the same manner provided for by this Act for the purchase of the audited accounts specified, with moneys of said county in said Redemption Fund.

Commissioners to pass on legality of accounts. 4135. SEC. 9. No audited account or accounts shall be purchased or redeemed under the provisions of this Act, unless the same shall have been allowed according to law; and it is hereby made the duty of the Board of County Commissioners to pass upon the legality of the same before the same shall be purchasable or redeemed.

Legal tender notes. 4136. SEC. 10. Should there at any time be gold or silver remaining in said Redemption Fund, it shall be the duty of the County Treasurer, by order of the Board of County Commissioners of said county, to sell the said gold or silver, thereby reducing the same to legal tender notes or greenbacks, paying the same amount, together with the amount realized from such sale, into the said Redemption Fund of said county.

When money to be transferred to General Fund. 4137. SEC. 11. All moneys remaining in the treasury, after the payment of the principal and interest of the indebtedness provided for in this Act, shall be transferred, by order of the Board of County Commissioners, to the General Fund of Lyon County.

CHAPTER CLXX.

OF THE PAYMENT OF THE OUTSTANDING WARRANTS OF STOREY COUNTY; AND OF CLAIMS FOR PUBLISHING DELINQUENT TAX LIST.

SECTION 4138. Treasurer prohibited from paying warrants.
4139. Redemption Fund created; revenue to be transferred.
4140. Duty of Treasurer; proposals.
4141. Proposals opened; accept the lowest bid.
4142. Accepted bids; warrants to be canceled; vouchers; lowest bid; Treasurer to return warrants; separate account to be kept.
4143. Warrants classed; preference given to first class.
4144. Commissioners to pass on legality of warrants.
4145. When Commissioners prohibited from issuing warrants.

PAYMENT OF CERTAIN CLAIMS AGAINST STOREY COUNTY.

4146. Payment of publication of delinquent tax lists.

An Act to provide for the payment of the outstanding warrants of Storey County.

[Approved February 14, 1865, p. 158.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

4138. SECTION 1. From and after the passage of this Act, it shall be unlawful for the Treasurer of Storey County to pay any warrants drawn on the Treasurer of said county prior to the passage of this Act, except in the manner hereinafter provided. Treasurer prohibited from paying warrants.

4139. SEC. 2. The Board of County Commissioners of Storey County are hereby authorized and directed, from and after the passage of this Act, to create in the County Treasury of said county, a Fund, to be known as the "Redemption Fund" of said county. Redemption Fund created. Immediately after the passage of this Act they shall cause forty per cent of all county revenues paid into the treasury of said county for the fiscal year one thousand eight hundred and sixty-five, and each and every year thereafter, until the present debt of said county, together with the interest accruing thereon, is liquidated, to be placed in said "Redemption Fund" as soon as paid into said treasury; and the County Treasurer of said county is hereby expressly prohibited from paying out any portion of said forty per cent of said revenue, except as hereinafter provided. Revenue to be transferred

Duty of Treasurer. 4140. SEC. 3. Whenever at any time there shall be in said "Redemption Fund" the sum of twenty-five hundred dollars or more, it shall be the duty of the County Treasurer of said county to give fifteen days notice by publication in some newspaper published at the county seat of said county, that sealed proposals directed to him will be received for the surrender of county warrants issued prior to the passage of this Act, and that said proposals will be received by him until the first Saturday following the expiration of said fifteen days notice. Proposals.

Proposals opened. 4141. SEC. 4. On the first Saturday following the expiration of said fifteen days notice, the Board of County Commissioners shall, together with the County Auditor and Treasurer, attend at the office of the latter, and then and there open all the sealed proposals, and accept the lowest bid for the surrender of county warrants specified in the previous section; *provided*, that no bid for more than par value shall be accepted by them, nor any bid unless accompanied by the warrant or warrants proposed to be surrendered. Accept the lowest bid.

Accepted bids. 4142. SEC. 5. When any bids are accepted, the County Auditor and County Treasurer shall each take a description of the warrants to be redeemed, specifying the amount to be paid for each warrant, the date, number, and amount thereof, and make a record thereof in their respective offices, and thereupon the Board of County Commissioners shall, by order, direct the County Treasurer to purchase the warrants designated in the accepted bid or bids, and pay for the same out of the Redemption Fund aforesaid; and all warrants so redeemed shall be canceled by the County Treasurer, by writing across the face thereof in red ink the words, "Purchased and redeemed," adding thereunto the time when and the amount paid therefor, and signing the same officially. The order of the Board of County Commissioners aforesaid, together with the record made by the County Auditor as herein required, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts. The bids specified in this Act being equal, preference shall be given to the smallest amount. That shall be deemed the lowest bid that shall offer the largest amount of warrants in par value for the least sum of money. The bids and amounts of warrants being equal, taking into consideration both principal and interest, each shall be accepted pro rata, as nearly as possible. The County Treasurer shall return all unaccepted bids, together with the warrants therein contained, to the owners on demand. The County Treasurer shall keep a separate account, under the heading of "Redemption Fund," of all warrants received in said Fund, and all moneys paid out of said Fund, and to whom paid. He shall, also, on the register of county warrants kept by him, write opposite each warrant redeemed under the provisions of this Act, the word "Purchased," and shall state the amount of money paid therefor. Warrants to be canceled. Vouchers. Lowest bid. Treasurer to return warrants. Separate account to be kept.

Warrants classed. 4143. SEC. 6. All outstanding warrants of said county are hereby divided into two classes. All warrants issued prior to the twenty-fifth day of July, A. D. eighteen hundred and sixty-four, shall be deemed the first class; and all issued subsequent to that date, shall be deemed the second class. In the consideration of any bid or bids, made in pursuance of the provisions of this Act, the County Commissioners shall give a preference to bids on first class warrants, over and above the lowest bid on second class warrants, of fifty cents on the dollar, taking the principal and interest of the second class warrant or warrants, named in such lowest bid, as the basis upon which to compute the said fifty per centum. [As amended March 3, Stats. 1865, p. 186.] Preference given to first class.

4144. SEC. 7. No county warrants shall be purchased or redeemed under the provisions of this Act, unless the same shall have been issued according to law, and it is hereby made the duty of the Commissioners to pass upon the legality of the same. A unanimous decision of the Board shall be required as to such legality before the same shall be purchased or redeemed. Commissioners to pass on legality of warrants.

4145. SEC. 8. The County Commissioners shall in no case issue any warrants, or in any manner contract indebtedness, unless there is money in the treasury to pay the same. When Commissioners prohibited from issuing warrants.

An Act to authorize the payment of certain claims against Storey County.

[Approved March 4, 1871, p. 129.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

4146. SECTION 1. The Board of County Commissioners of Storey County is hereby authorized to allow and order paid out of the General Fund of said county, in the manner prescribed by law, such sum or sums of money as may be found due proprietors of newspapers for the publication of the delinquent tax lists, in and for said county. Payment of publication of delinquent tax lists.

Bonds to the Virginia and Truckee Railroad Company. Stats. 1869, p. 49.

Virginia City incorporated. Stats. 1865, p. 209.

Amendment of Incorporation Act. Stats. 1866, p. 89.

Repeal of Sec. 31. Stats. 1869, p. 121.

Payment of outstanding indebtedness of Virginia City. Stats. 1865, p. 121.

Supplementary Act. Stats. 1871, p. 104.

Fire Department. Stats. 1864, p. 41.

Office of City Recorder abolished. Stats. 1869, p. 121.

Gold Hill incorporated. Stats. 1873, p. 77.

Purchase of county buildings. Stats. 1866, p. 68.

CHAPTER CLXXI.

OF THE PAYMENT OF THE INDEBTEDNESS OF HUMBOLDT COUNTY.

SECTION 4147. Warrants, how paid.
4148. Warrants not paid on presentation, to draw interest.
4149. Kinds of payment; order of payment.
4150. Moneys and revenues apportioned; surplus money to be transferred.
4151. Duty of County Treasurer; warrants not presented, interest to cease; proviso.
4152. Claims to be allowed and warrants drawn on proper Fund.
4153. Acts repealed.

An Act to provide for the payment of the outstanding and other indebtedness of Humboldt County.

[Approved February 27, 1869, p. 91.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Warrants, how paid.

4147. SECTION 1. From and after the passage of this Act, all warrants drawn on the Treasury of Humboldt County shall be paid in the order and manner as hereinafter provided.

Warrants not paid on presentation, to draw interest.

4148. SEC. 2. All warrants hereafter drawn on the treasury shall be presented to the County Treasurer for payment, and if there be not sufficient funds in the treasury to pay the same, the Treasurer shall indorse thereon the words, "Not paid, for want of funds," signing his name thereto, and he shall, at the same time, register the same in a book kept for that purpose, and shall note therein the number, date of issue, date of registry, in whose favor drawn, and the amount thereof, and all such warrants shall bear interest from the date of their registration, at the rate of ten per cent per annum.

Kinds of payment.

4149. SEC. 3. All interest-bearing warrants now outstanding, and all warrants hereafter drawn, shall be paid in the gold and silver coin of the United States, and all warrants not bearing interest, now outstanding, shall be paid in legal tender currency, and shall be paid in the following order: First—The interest-bearing warrants now outstanding, shall be paid in the order of the date of their registration. Second—The warrants not bearing interest now outstanding, shall be paid, and in the order of the date of their issue. Third—The warrants hereafter issued shall be paid, and in the order of the date of their registration; *provided,* all warrants not bearing interest now outstanding, shall bear interest at the rate of ten per cent per annum after twelve months from their date.

Order of payment.

4150. SEC. 4. The Board of County Commissioners of said county shall, at their first regular session after the passage of this Act, place all moneys now in the treasury, or that may hereafter be received from county revenues (beyond the amount required by law to be placed in the "District Judges' Salary Fund" and "School Fund"), as soon as the said moneys shall have been received and paid into the treasury, into the following Funds, and in the following apportionment: To the "Contingent Fund," fifteen per cent; to the "Indigent Sick Fund," ten per cent; and all the remainder of the revenues so collected, into the "Redemption Fund." And at the first regular session of said Board thereafter, they shall transfer any surplus that may remain in the "Indigent Sick Fund," to the "Contingent Fund," and at the same time, if any surplus remains in said "Contingent Fund," they may, in their discretion, transfer the same to the "Redemption Fund." Moneys and revenues apportioned. Surplus money to be transferred.

4151. SEC. 5. Whenever at any time there shall be in said "Redemption Fund" the sum of five hundred dollars, it shall be the duty of the County Treasurer of said county, to post a notice in some conspicuous place in his office, which notice shall state that there is now remaining in the "Redemption Fund" of the county, sufficient money to pay the warrant or warrants next payable, according to their registration (or date of issue, as the case may be), as provided in this Act. He shall describe such warrant or warrants by giving their number, date, date of registry (if registered), and amount. And if such warrant or warrants are not presented for payment within thirty days after the date of posting said notice, the interest on the same shall thereafter cease. And said Treasurer shall use the money due on such warrant or warrants, in payment of other warrant or warrants, next in order, which may be presented; *provided*, if said warrant or warrants are afterward presented, they shall be paid out of the first moneys coming into the "Redemption Fund" after their presentation. Duty of County Treasurer. Warrants not presented, interest to cease. Proviso.

4152. SEC. 6. Whenever any claim against said county is allowed by the Board of County Commissioners, it shall be payable out of its proper Fund; and whenever any claim is duly allowed and audited, the warrant therefor shall be drawn upon the proper Fund, and upon demand, delivered to the owner thereof. Claims to be allowed and warrants drawn on proper Fund.

4153. SEC. 7. An Act entitled "An Act to provide for the payment of the outstanding indebtedness of Humboldt County," approved March ninth, eighteen hundred and sixty-five, and "An Act to amend an Act entitled 'An Act to provide for the payment of the outstanding indebtedness of Humboldt County,' approved March ninth, eighteen hundred and sixty-five," approved February twenty-fourth, eighteen hundred and sixty-six, are hereby repealed. Acts repealed.

CHAPTER CLXXII.

OF THE PAYMENT OF THE DEBT OF CHURCHILL COUNTY; AND RELEASE FROM THE CLAIM OF HUMBOLDT COUNTY.

SECTION 4154. Certain indebtedness not to be paid except as provided.
4155. Redemption Fund to be created; levy of a special tax.
4156. Registered indebtedness to bear interest from what time.
4157. Redemption of indebtedness, when and how made.
4158. Manner of redemption.
4159. Manner of redemption; indebtedness, how canceled; vouchers of County Treasurer; lowest bid, how determined; unaccepted bids to be returned; duty of County Treasurer; duty of County Auditor.
4160. What claims to be allowed as purchasable out of Redemption Fund.
4161. When surplus in General Fund to be transferred to Redemption Fund.

RELEASE OF CHURCHILL COUNTY.

4162. Section two repealed.
4163. Churchill County released from demands, etc.; Treasurer of Humboldt County to return unpaid warrants.

An Act to provide for the payment of the outstanding indebtedness of Churchill County.

[Approved March 4, 1871, p. 140.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Certain indebtedness not to be paid except as provided.

4154. SECTION 1. From and after the passage of this Act, it shall not be lawful for the Treasurer of Churchill County to pay any warrant drawn on the treasury of said county, on account of any indebtedness of the county outstanding, and payable out of the General Fund of said county prior to the passage of this Act, except in the manner hereinafter provided.

Redemption Fund to be created.

4155. SEC. 2. The Board of County Commissioners of said county are hereby authorized and directed, from and after the passage of this Act, to create in the County Treasury of said county a Fund to be known as the "Redemption Fund" of said county; and the said Board of County Commissioners of said county are empowered and required to levy a special tax of fifty (50) cents on each one hundred (100) dollars of taxable property in said county, to be paid into the treasury of said county, to be placed in said Redemption Fund The moneys placed in the Redemption Fund created by this Act, shall be disbursed as hereinafter provided.

Levy of a special tax.

4156. SEC. 3. All indebtedness now audited and registered in the register of accounts of said county, directed and required by the provisions of this Act to be paid out of the Redemption Fund, shall, from the date of the taking effect of the same, bear interest at the rate of ten (10) per cent per annum, and all indebtedness audited and allowed after the passage of this Act, and payable and purchasable out of the Redemption Fund herein, shall bear the like rate of interest from and after the date of the allowance thereof. Registered indebtedness to bear interest from what time.

4157. SEC. 4. Whenever, at any time, there shall be in said Redemption Fund the sum of five hundred (500) dollars or more, it shall be the duty of the County Treasurer of said county to give fourteen days notice by publication in some newspaper published in said county, or if no such newspaper be published, then by posting notices in three conspicuous places in said county, that sealed proposals, directed to him, will be received for the surrender of county indebtedness issued or outstanding prior to the passage or under the provisions of this Act, and that said proposals will be received by him until the next regular or special meeting of the Board of County Commissioners of said county thereafter. Redemption of indebtedness, when and how made.

4158. SEC. 5. On the first day of such regular meeting, or at any special meeting of said Board of County Commissioners, they, together with the County Auditor and Treasurer, shall attend at the office of the latter, and then and there open all sealed proposals and accept the lowest bids for the surrender of county indebtedness, specified in the preceding section; *provided*, that no bid for more than par value be accepted by them, nor any bid unless accompanied by the certificate or certificates issued for the indebtedness proposed to be surrendered. Manner of redemption.

4159. SEC. 6. When any bids are accepted, the County Auditor and County Treasurer shall each take a description of the certificates to be redeemed, specifying the amount to be paid for each certificate, the date, number, and amount thereof, and make a record thereof in their respective offices, and thereupon the Board of County Commissioners shall by order direct the County Treasurer to purchase the indebtedness designated in the accepted bid or bids and pay for the same out of the Redemption Fund aforesaid, and all indebtedness so redeemed shall be canceled by the County Treasurer by writing across the certificate surrendered, in red ink, "Purchased and redeemed," adding thereto the time and the amount paid therefor, and sign the same officially. The order of the Board of County Commissioners aforesaid, together with the record made by the County Auditor, as herein required, shall be sufficient vouchers for the County Treasurer in settlement of his accounts. To determine what is the lowest bid as between any two or more obligations offered to be surrendered, under the provisions of this Act, and at the same time to give preference to obligation of said county longest remaining unpaid, the Board of County Commissioners shall compute the principal and interest due upon any such obligation by its terms, and add to the amount of such principal and interest the further sum of one and one fourth per cent on the principal of such obligation for each period of three months, after it would have been paid, Manner of redemption. Indebtedness, how canceled. Vouchers of County Treasurer. Lowest bid, how determined had funds existed for its payment when presented, up to the day of opening such bids. The obligation upon which the largest discount is offered to be allowed by this method of computation, shall be deemed the lowest bid and shall be accepted as such, and ordered to be paid. The bids and amounts of indebtedness being equal, taking into consideration both principal and interest, each shall be accepted pro rata as nearly as possible. The County Treasurer shall return all unaccepted bids, together with the certificates therein contained, to the owners on demand. The County Treasurer shall keep a separate account, under the heading of "Redemption Fund," of all moneys received into the said Fund, and all moneys paid out of said Fund, and to whom paid. The County Auditor shall also, on the register of audited or registered accounts kept by him, write opposite each audited account redeemed under the provisions of this Act, the word "Purchased," and state the amount paid therefor.

Unaccepted bids to be returned.

Duty of County Treasurer.

Duty of County Auditor.

What claims to be allowed as purchasable out of Redemption Fund.

4160. SEC. 7. When any claim against said county, which accrued prior to the passage of this Act, is allowed by the Board of County Commissioners of said county after the passage of this Act, the same shall be allowed as purchasable out of the Redemption Fund of said county, and all indebtedness audited on such claims shall be payable and purchasable out of said Redemption Fund in the same manner provided by this Act for the purchase of other county indebtedness with moneys of said county in said Redemption Fund.

When surplus in General Fund to be transferred to Redemption Fund.

4161. SEC. 8. At the first meeting in January of each year of the Board of County Commissioners of said county, they may transfer any surplus money there may be in the General Fund of said county to the Fund created by this Act.

An Act supplementary to and amendatory of an Act entitled "An Act to amend an Act of the Legislative Assembly of the Territory of Nevada, entitled 'An Act to create counties and establish the boundaries thereof,' approved November twenty-fifth, eighteen hundred and sixty-one," approved February twenty-seventh, eighteen hundred and sixty-nine.

[Approved February 15, 1871, p. 57.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section two repealed.

4162. SECTION 1. Section two of the Act to which this is supplementary to and amendatory of is hereby repealed. (a)

Churchill County released from demands, etc.

4163. SEC. 2. The County of Churchill is hereby released and discharged from all claims and demands of every kind and nature whatever, arising out of or based on the provisions of said Act to which this is supplementary; and the Treasurer of Humboldt County is hereby authorized and required to return to the Treasurer of Churchill County any and all unpaid warrant or warrants which have been or may be delivered to him in accordance with the provisions of said Act; and the Treasurer of

Churchill County is hereby authorized and required to destroy said warrant or warrants in the presence of the Board of County Commissioners of Churchill County.

Treasurer of Humboldt County to return unpaid warrants.

(a) The repealed section two of the Act of February 27, Stats. 1869, p. 88, required Churchill County to pay Humboldt County the sum of three thousand dollars per annum for five years.

CHAPTER CLXXIII.

OF THE PAYMENT OF THE OUTSTANDING INDEBTEDNESS OF LANDER COUNTY.

SECTION 4164. Treasurer prohibited from paying warrants.
4165. Redemption Fund created; revenue to be transferred; disbursed.
4166. Duty of Treasurer; proposals for surrender of warrants.
4167. Proposals opened; accept lowest bid.
4168. Warrants to be canceled; vouchers; lowest bid; Treasurer to return warrants; separate accounts kept.
4169. Warrants drawn upon and purchasable out of Redemption Fund.

An Act to provide for the payment of the outstanding indebtedness of Lander County.

[Approved January 6, 1865, p. 88.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Treasurer prohibited from paying warrants.

4164. SECTION 1. From and after the passage of this Act it shall not be lawful for the Treasurer of Lander County to pay any warrant drawn on the treasury of said county prior to the passage of this Act, except in the manner hereinafter provided.

Redemption Fund created.

Revenue to be transferred.

4165. SEC. 2. The Board of County Commissioners of said county are hereby authorized and directed, from and after the passage of this Act, to create in the County Treasury of said county a Fund, to be known as the "Redemption Fund" of said county. As soon after the passage of this Act as is practicable they shall cause to be transferred into said Redemption Fund thirty-three and one third (33⅓) per cent of all county revenues in the County Treasury of said county at the time of the taking effect of this Act; and the County Treasurer of said county is hereby expressly prohibited from paying out any portion of said thirty-three and one third (33⅓) per cent of said revenues from said treasury until the said order of transference, to be made by said Board of County Commissioners as hereinbefore provided for, is duly certified to such Treasurer; and they shall cause thirty-three and one third per cent of all county revenues paid into the treasury of said county at any time after the passage of this Act to be placed in said Redemption Fund as soon as paid into said treasury. The moneys placed in the Redemption Fund created by this Act shall be disbursed as hereinafter provided.

Disbursed.

Duty of Treasurer.

4166. SEC. 3. Whenever at any time there shall be in said Redemption Fund the sum of one thousand dollars, or more, it shall be the duty of the County Treasurer of said county to give fifteen days' notice, by publication in some newspaper published at the county seat of said county, that sealed proposals, directed to him, will be received for the surrender of county warrants issued prior to the passage, or under the provisions, of this Act; and that said proposals will be received by him until the next regular meeting of the Board of County Commissioners of said county thereafter.

Proposals for surrender of warrants

Proposals opened.

4167. SEC. 4. On the first day of such regular meeting of said Board of County Commissioners, they, together with the County Auditor and Treasurer, shall attend at the office of the latter, and then and there open all sealed proposals, and accept the lowest bids for the surrender of county warrants specified in the preceding section; *provided*, that no bid for more than par value shall be accepted by them, nor any bid unless accompanied by the warrant or warrants proposed to be surrendered.

Accept lowest bid.

Warrants to be canceled.

4168. SEC. 5. When any bids are accepted, the County Auditor and County Treasurer shall each take a description of the warrants to be redeemed, specifying the amount to be paid for each warrant, the date, number, and amount thereof, and make a record thereof in their respective offices; and thereupon the Board of County Commissioners shall, by order, direct the County Treasurer to purchase the warrants designated in the accepted bid or bids, and pay for the same out of the Redemption Fund aforesaid; and all warrants so redeemed shall be canceled by the County Treasurer by writing across the face thereof in red ink, "Purchased and redeemed," adding thereto the time when, and the amount paid therefor, and signing the same officially. The order of the Board of County Commissioners aforesaid, together with the record made by the County Auditor as herein required, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts. The bids specified in this Act being equal, preference shall be given to the smallest amount. That shall be deemed the lowest bid which offers the largest amount of warrants for the least sum of money. The bids and amounts of warrants being equal, taking into consideration both principal and interest, each shall be accepted pro rata, as nearly as possible. The County Treasurer shall return all unaccepted bids, together with the warrants therein contained, to the owners on demand. The County Treasurer shall keep a separate account under the heading of "Redemption Fund," of all moneys received into the said Fund, and of all money paid out of said Fund, and to whom paid. He

Vouchers.

Lowest bid.

Treasurer to return warrants.

shall also, on the register of county warrants, kept by him, write opposite each warrant redeemed under the provisions of this Act, the word "Purchased," and state the amount paid therefor. **Separate accounts kept.**

4169. SEC. 6. When any claim against said county which accrued prior to the passage of this Act, is allowed by the Board of County Commissioners of said county, after the passage of this Act, the same shall be allowed as purchasable out of the Redemption Fund of said county, and all warrants drawn for the payment of the same shall be drawn upon and purchasable out of said Redemption Fund, in the same manner provided by this Act for the purchase of other county warrants, with moneys of said county in said Redemption Fund. **Warrants drawn upon and purchasable out of Redemption Fund.**

CHAPTER CLXXIV.

OF THE PAYMENT OF THE INDEBTEDNESS OF NYE COUNTY.

SECTION 4170. Treasurer not to pay warrants.
4171. Redemption Fund; revenue transferred.
4172. Registered indebtedness to draw interest.
4173. Duty of Treasurer; sealed proposals.
4174. Proposals opened; lowest bid.
4175. Accepted bids, how disposed of; unaccepted bids to be returned, etc.
4176. Indebtedness purchasable out of Redemption Fund.

An Act to provide for the payment of the outstanding indebtedness of Nye County.

[Approved March 1, 1869, p. 99.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

4170. SECTION 1. From and after the passage of this Act, it shall not be lawful for the Treasurer of Nye County to pay any warrant drawn on the treasury of said county on account of any indebtedness of the county outstanding prior to the passage of this Act, except in manner hereinafter provided. **Treasurer not to pay warrants.**

4171. SEC. 2. The Board of County Commissioners of said county are hereby authorized and directed, from and after the passage of this Act, to create in the County Treasury of said county a Fund, to be known as the "Redemption Fund" of said county. As soon after the passage of this Act as is practicable they shall cause to be transferred into said Redemption Fund twenty (20) per cent of all county revenues in the County **Redemption Fund.**

Revenue transferred

Treasury of said county, at the time of the taking effect of this Act; and the County Treasurer of said county is hereby expressly prohibited from paying out any portion of said twenty (20) per cent of said revenues from said treasury, until the said order of transference (to be made by said Board of County Commissioners as hereinafter provided for) is duly certified to such Treasurer, and they shall cause twenty (20) per cent of all county revenues paid into the treasury of said county at any time after the passage of this Act, to be placed in said Redemption Fund as soon as paid into said treasury. The moneys placed in the Redemption Fund created by this Act shall be disbursed as hereinafter provided.

Registered indebtedness to draw interest.

4172. SEC. 3. All indebtedness now audited and registered in the register of accounts of said county, directed and required by the provisions of this Act to be paid out of the Redemption Fund, shall, from the date of the taking effect of the same, bear interest at the rate of ten (10) per cent per annum, and all indebtedness audited and allowed after the passage of this Act, and payable and purchasable out of the Redemption Fund herein, shall bear the like rate of interest from and after the date of the allowance thereof.

Duty of Treasurer.

Sealed proposals.

4173. SEC. 4. Whenever at any time there shall be in said Redemption Fund the sum of one thousand dollars or more, it shall be the duty of the County Treasurer of said county to give fourteen days' notice by publication in some newspaper published in said county, or, if no such paper be published, then by posting notices in three conspicuous places in said county, that sealed proposals, directed to him, will be received for the surrender of county indebtedness, issued or outstanding prior to the passage, or under the provisions of this Act; and that said proposals will be received by him until the next regular or special meeting of the Board of County Commissioners of said county thereafter.

Proposals opened.

Lowest bid.

4174. SEC. 5. On the first day of such regular meeting, or at any special meeting of said Board of County Commissioners, they, together with the County Auditor and Treasurer, shall attend at the office of the latter, and then and there open all sealed proposals, and accept the lowest bids for the surrender of county indebtedness specified in the preceding section; *provided*, that no bid for more than par value be accepted by them, nor any bid, unless accompanied by the certificate or certificates issued for the indebtedness proposed to be surrendered.

Accepted bids, how disposed of.

4175. SEC. 6. When any bids are accepted, the County Auditor and County Treasurer shall each take a description of the certificates to be redeemed, specifying the amount to be paid for each certificate, the date, number, and amount thereof, and make a record thereof in their respective offices, and thereupon the Board of County Commissioners shall, by order, direct the County Treasurer to purchase the indebtedness designated in the accepted bid or bids, and pay for the same out of the Redemption Fund aforesaid, and all indebtedness so redeemed shall be canceled by the County Treasurer, by writing across the certificate surrendered, in red ink, "Purchased and redeemed," adding thereto the time and the amount paid therefor, and sign the same officially. The order of the Board of County Commissioners aforesaid, together with the record made by the County Auditor, as herein required, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts. The bids specified in this Act being equal, preference shall be given to the smallest amount. That shall be deemed the lowest bid which offers the largest amount of indebtedness for the least sum of money. The bids and amounts of indebtedness being equal, taking into consideration both principal and interest, each shall be accepted pro rata as nearly as possible. The County Treasurer shall return all unaccepted bids, together with the certificates therein contained, to the owners, on demand. The County Treasurer shall keep a separate account, under the heading of "Redemption Fund," of all moneys received into the said Fund, and of all moneys paid out of said Fund, and to whom paid. The County Auditor shall also, on the register of audited or registered accounts kept by him, write opposite each audited account redeemed under the provisions of this Act, the word "Purchased," and state the amount paid therefor.

Unaccepted bids to be returned, etc.

Indebtedness purchasable out of Redemption Fund.

4176. SEC. 7. When any claim against said county, which accrued prior to the passage of this Act, is allowed by the Board of County Commissioners of said county after the passage of this Act, the same shall be allowed as purchasable out of the Redemption Fund of said county, and all indebtedness audited on such claims shall be payable and purchasable out of said Redemption Fund, in the same manner provided by this Act for the purchase of other county indebtedness, with moneys of said county in said Redemption Fund.

CHAPTER CLXXV.

OF THE FUNDING OF THE DEBT OF LINCOLN COUNTY.

SECTION 4177. Funding Commissioners.
4178. Duty to prepare bonds; denomination of bonds.
4179. Commissioners to keep account of bonds.
4180. Separate record of bonds.
4181. Coupons.
4182. Who entitled to fund.
4183. Redemption of bonds.
4184. Interest tax to be levied and collected.
4185. Payment of interest.
4186. Sinking Fund.
4187. Advertisements for surrender of bonds.
4188. Proposals opened; payment, interest, etc.

SECTION 4189. Sinking Fund account.
4190. Expenses of preparing bonds.
4191. Compensation of Commissioners.
4192. Advertise for funding; Treasurer not to pay certificates.
4193. Liabilities, limitation of.
4194. Non-compliance with Act a misdemeanor; charge to grand jury.
4195. Power of District Court.
4196. Fines, etc.
4197. Transfer of money.

An Act to consolidate and fund the indebtedness of Lincoln County.

[Approved February 17, 1873, p. 54.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Funding Commissioners.

4177. SECTION 1. In order to consolidate and fund the entire indebtedness of the County of Lincoln, for which certificates of indebtedness have been issued, and place all of its financial transactions upon a cash basis, the Chairman of the Board of County Commissioners, the Auditor, and County Treasurer of said county, and their successors in office, shall constitute, and are hereby created a Board of Commissioners, to be known and styled as the Funding Commissioners of the County of Lincoln, of the State of Nevada, and shall have and exercise the powers hereinafter provided.

Duty to prepare bonds.

4178. SEC. 2. It shall be the duty of said Funding Commissioners to cause to be prepared bonds equal to the present county indebtedness, together with all the indebtedness that shall have accrued, for which warrants have, or may be issued before the first day of March, A. D. one thousand eight hundred and seventy-three. Said bonds shall be of the denomination of one hundred, three hundred, and five hundred dollars, and each and every bond purport in substance that the County of Lincoln, State of Nevada, owes the holder thereof, a sum to be expressed therein, bearing interest at the rate of ten per cent per annum, from the first day of March, A. D. one thousand eight hundred and seventy-three; the interest to be paid upon presentation at the office of the County Treasurer, on the first day of January, one thousand eight hundred and seventy-four, and on the first day of January annually thereafter, until said bonds are paid and liquidated. Said bonds shall be due and payable in gold coin, at the office of the County Treasurer of said County of Lincoln, on or before the first day of January, one thousand eight hundred and eighty-three. Said bonds shall be signed by the Chairman of the Board of County Commissioners of said county, and countersigned by the County Auditor, and indorsed by the County Treasurer, and shall have the seal of the county affixed thereto.

Denomination of bonds.

Commissioners to keep account of bonds.

4179. SEC. 3. It shall be the duty of said Funding Commissioners to keep an account of the number, denomination, and amount of all bonds signed by them in accordance with this Act; and it shall be the duty of said Commissioners to examine all certificates of indebtedness presented for funding, and ascertain if they are the true and correct ones issued according to the County Treasurer's and Auditor's books, corresponding to the entries therein, and no others than those found to be true and lawful ones against the County of Lincoln shall be funded.

4180. SEC. 4. It shall be the duty of the Auditor and Treasurer, each to keep a separate record of all such bonds as may be issued in accordance with this Act, showing the number, date, and amount, and to whom issued, together with the coupons that may be issued. Separate record of bonds.

4181. SEC. 5. Coupons for the interest shall be annexed to each bond; said coupons shall be numbered, and express the amount of interest due at the respective periods herein named, and shall be signed by the Chairman of the Board of County Commissioners and County Treasurer. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, and deliver the same to the County Auditor, taking his receipt therefor, whose duty it shall be to file the same in his office. Coupons.

4182. SEC. 6. All persons having any certificate of indebtedness of the County of Lincoln, payable on or before the first day of March, one thousand eight hundred and seventy-three, whether in certificates drawn upon the Treasurer, or account audited and allowed by the Board of County Commissioners, before the first day of March, one thousand eight hundred and seventy-three, shall be entitled to fund the same by virtue of this Act; *provided*, that for any fractional sum less than the amount of the bonds authorized to be issued by this Act, said Commissioners shall issue to the holder of the county warrant, or such other evidences of indebtedness as may have been audited or allowed by the Board of County Commissioners, a certificate of such fractional sum; and upon presentation of the same to the County Auditor, he shall draw a warrant upon the County Treasurer for the amount so certified; and said warrant thus drawn must be presented to the Treasurer of said county within eight months after the first day of March, one thousand eight hundred and seventy-three; and said warrants shall be payable in coin, in their regular order of payment, according to the number and date thereof. Who entitled to fund.

4183. SEC. 7. Whenever any bonds shall have been paid and redeemed by the County Treasurer, he shall mark the same "Canceled" over his signature as Treasurer, and immediately deliver the same to the County Auditor, taking his receipt therefor; and the County Auditor, upon the receipt of such canceled bonds, shall file the same in his office. Redemption of bonds.

4184. SEC. 8. In addition to the ordinary taxes for county purposes, there shall be for the year one thousand eight hundred and seventy-three, and annually thereafter, until the principal and interest of said bonds to be issued shall be fully provided for, as hereinafter provided to be levied and collected at the same time and in the same manner as other revenues of said county, a special tax, to be called the Interest Tax, of forty- Interest tax to be levied and collected.

five cents on each one hundred dollars of taxable property of said county, which tax shall be collected in United States gold and silver coin, and paid over to the County Treasurer. The Fund derived from this tax shall be applied only to the payment of the interest accruing upon said bonds, as herein provided; *provided*, that should said Funds furnish a surplus over and above what may be required for the payment of said interest, such surplus shall be turned over and paid into the Sinking Fund herein provided for.

Payment of interest.

4185. SEC. 9. It shall be the duty of the County Treasurer of Lincoln County to make such arrangements for the payment of the interest of said bonds when the same falls due, at least thirty days before the time of payment; and in the event said Interest Fund is insufficient, the Treasurer shall draw on the General Fund of the county for such purpose; and in the event that said Fund shall prove inadequate, the said Treasurer is authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest, and for the protection of the credit of the County of Lincoln.

Sinking Fund.

4186. SEC. 10. It shall be the duty of the Treasurer of said county to set apart a Fund, to be called the "Sinking Fund of the County of Lincoln." Into said Fund shall be paid: First—Any and all surplus of the Interest Fund, as aforesaid; each of said payments shall be continued until the said Sinking Fund shall be sufficient for the payment of the principal and interest of the bonds; and when the same shall have been paid and liquidated, the same shall cease, and all surplus remaining in the Sinking Fund shall be paid into the General Fund of said county.

Advertisements for surrender of bonds.

4187. SEC. 11. Whenever at any time there shall be in the Sinking Fund a sum of money amounting to one thousand dollars or upwards, the County Treasurer shall advertise in a newspaper published in said county, for the space of thirty days, for sealed proposals for the redemption of said bonds; but in case there be no newspaper published in said county, said advertisement shall be published in some newspaper having the largest circulation in said county, to be designated by the County Auditor; the advertisement to specify the day, hour, and place the sealed proposals will be opened.

Proposals opened.

4188. SEC. 12. At the time specified, the Treasurer shall open the sealed proposals at his office, in the presence of the Board of County Commissioners and Auditor, and such other persons as may wish to be present; and shall pay and liquidate such bonds presented, at the lowest value at which they may be proposed to be liquidated; *provided*, the same shall not be for more than their par value; *and, provided further*, that if there be no sealed proposals made, or offered, for the surrender and payment of said bonds, then, in that case, it shall be the duty of the County Treasurer to advertise, in the manner as before mentioned, for a period of not less than twenty or more than thirty days, for the surrender and payment of as many of said bonds as the amount of money in said Sinking Fund will pay in their regular order of payment; commencing with number one, two, and three, and so continue the payment in that order according to their number and date; and in the event that the holder or holders of the bond or bonds, first in order of payment, shall fail to present his or their bond or bonds for payment, at the office of the County Treasurer, in the Town of Pioche, at the time indicated in the beforementioned advertisement, then, in that case, the said bond or bonds shall cease to draw interest from such date named in the advertisement for the payment of the same. And in like manner the County Treasurer shall continue to advertise the next bond or bonds in order of payment, according to the number and date, and if the holder or holders thereof fail to surrender for payment as provided, the interest on said bonds shall cease. The County Treasurer shall continue to advertise, from time to time, as provided, until the whole amount of bonds has been advertised, or the amount of money in the Sinking Fund shall have been paid out in their redemption, as heretofore provided; and, *provided*, that should there be no proposals made for less than par value, then the payment shall be made pro rata on all of said bonds; *provided further*, that said bonds upon which interest shall have ceased in consequence of the holder or holders thereof having failed to present the same for payment, as above provided in this Act, then, and in that case, said bonds shall have preference over the interest-bearing bonds in order of payment, and shall be paid in their regular order of date and payment, but under the same rules, regulations, and restrictions, as provided in this Act for interest-bearing bonds. Payment, interest, etc.

4189. SEC. 13. A full and particular account and record of the Sinking Fund shall be kept by the Treasurer, and shall at all times be open for the inspection of the Auditor, Board of Commissioners, and grand jury; and, upon demand of the grand jury of said county, the Treasurer shall cause a concise statement to be made of the condition and business of said Fund, and the amount of bonds issued, and to whom issued. Sinking Fund account.

4190. SEC. 14. The County Treasurer shall pay out of any money in the treasury not otherwise appropriated, any and all expenses that may be incurred in having said bonds prepared, not to exceed the sum of four hundred dollars. Expenses of preparing bonds.

4191. SEC. 15. The Funding Commissioners shall receive such compensation for their services as the Board of County Commissioners may allow, to be paid out of the County Treasury as other charges against the county are paid. Compensation of Commissioners.

4192. SEC. 16. On the first day of March, one thousand eight hundred and seventy-three, the County Treasurer of Lincoln County shall advertise in some newspaper, as heretofore provided, for the period of twenty days, that from and after that day the funding of the then outstanding warrants of Lincoln County will commence, from which time it shall not be lawful for the Treasurer of said county to pay or liquidate any of the outstanding certificates of said county in any other way than by funding them in accordance with the provisions of this Act; nor shall said Treasurer, under any pretense whatever, liquidate, pay, or cause to be paid, any portion thereof, only in accordance with the provisions of this Act. The expense for Advertise for funding. Treasurer not to pay certificates.

publishing, as provided in this Act, shall be paid out of the General Fund of the county.

Liabilities, limitation of.

4193. SEC. 17. On and after the first day of March, one thousand eight hundred and seventy-three, the Board of County Commissioners of said county shall contract no debt, and incur no liabilities that shall singly, or in the aggregate with any other previous debt or liabilities contracted or incurred after the said first day of March, exceed the sum of nine thousand dollars more than the amount of money in the County Treasury subject to the payment of the same.

Non-compliance with Act a misdemeanor.

4194. SEC. 18. Any county officer or officers of the County of Lincoln who shall willfully neglect or refuse to comply with the requisitions or provisions of this Act, shall be deemed guilty of misdemeanor in office, and shall be fined in any sum not less than two hundred or more than one thousand dollars, to be recoverable before any Court of competent jurisdiction, or dismissal from office, or both such fine and dismissal, in the discretion of the Court. And it is hereby made the duty of the District Judge of Lincoln County to give the substance of this section in charge to the grand jury at each session, making it their duty to inquire and investigate as to any infraction or violation of this Act by any of the officers herein named, whose duty it is to carry into practical effect the provisions of this Act. And it is hereby made the duty of the District Attorney to prosecute all delinquents under this Act.

Charge to grand jury.

Power of District Court.

4195. SEC. 19. The District Court of Lincoln County shall have power to enforce obedience to the provisions of this Act, and for that purpose shall have full power to issue process of mandamus, prohibition, and all other writs that may be required that are authorized by law.

Fines, etc.

4196. SEC. 20. All fines and penalties collected under the provisions of this Act shall be paid into the School Fund.

Transfer of money.

4197. SEC. 21. At the first meeting in December in each year of the Board of County Commissioners of said county, they may transfer any surplus money there may be in the General Fund of said county to the Sinking Fund created by this Act; *provided*, there shall be left in the treasury a sufficient amount to defray the current expenses of said county for the six months next ensuing.

CHAPTER CLXXVI.

OF THE FUNDING OF THE DEBT OF WHITE PINE COUNTY.

SECTION 4198. Funding Commissioners.
4199. Duty to prepare bonds; denomination of, etc.
4200. Commissioners to keep account of bonds.
4201. Separate records of.

SECTION 4202. Coupons.
4203. Who entitled to fund.
4204. Redemption of bonds.
4205. Interest, levied and collected, how paid, etc.
4206. Arrangement for payment.
4207. Sinking Fund.
4208. Advertisements for surrender of bonds.
4209. Proposals opened; payment, when interest to cease; notice continued.
4210. Record of Sinking Fund.
4211. Expenses of preparing bonds.
4212. Compensation of Commissioners.
4213. Advertisement for funding; when warrants not to be paid.
4214. Non-compliance with Act, a misdemeanor; penalty; charge to grand jury.
4215. Powers of District Court.
4216. Fines, etc.

An Act to consolidate and fund the indebtedness of White Pine County.

[Approved March 7, 1873, p. 146.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

4198. SECTION 1. In order to consolidate and fund the entire indebtedness of the County of White Pine, for which warrants have been issued, and place all of its financial transactions upon a cash basis, the Chairman of the Board of County Commissioners, the Auditor, and County Treasurer of said county, and their successors in office, shall constitute, and are hereby created, a Board of Commissioners, to be known and styled as the Funding Commissioners of the County of White Pine, of the State of Nevada, and shall have and exercise the powers hereinafter provided. Funding Commissioners.

4199. SEC. 2. It shall be the duty of said Funding Commissioners to cause to be prepared bonds, equal to the present county indebtedness, together with all the indebtedness that shall have accrued, for which warrants have, or may be, issued before the first day of April, A. D. one thousand eight hundred and seventy-three. Said bonds shall be of the denomination of one hundred, three hundred, and five hundred dollars each, and each and every bond purport, in substance, that the County of White Pine, State of Nevada, owes the holder thereof a sum to be expressed therein, bearing interest at the rate of ten per cent per annum from the first day of April, A. D. one thousand eight hundred and seventy-three; the interest to be paid upon presentation, at the office of the County Treasurer, on the first day of January, A. D. one thousand eight hundred and seventy-four, and on the first day of January, annually thereafter, until said bonds are paid and liquidated. Said bonds shall be due and payable in gold coin, at the office of the County Treasurer of said County of White Pine, on or before the first day of Duty to prepare bonds. Denomination of, etc.

January, one thousand eight hundred and eighty-three. Said bonds shall be signed by the Chairman of the Board of County Commissioners of said county, and countersigned by the County Auditor, and indorsed by the County Treasurer, and shall have the seal of the county annexed thereto.

Commissioners to keep account of bonds.

4200. SEC. 3. It shall be the duty of the Funding Commissioners to keep an account of the number, denomination, and amount of all bonds signed by them in accordance with the provisions of this Act; and it shall be the duty of said Commissioners to examine all warrants presented for funding, and ascertain if they are the true and correct ones issued according to the County Treasurer's and Auditor's books, corresponding to the entries therein, and no others than those found to be true and lawful ones against the County of White Pine shall be funded.

Separate records of.

4201. SEC. 4. It shall be the duty of the Auditor and Treasurer each to keep a separate record of all such bonds as may be issued in accordance with this Act, showing the number, date, and amount, and to whom issued, together with the coupons that may be issued.

Coupons.

4202. SEC. 5. Coupons for the interest shall be annexed to each bond; said coupons shall be numbered and shall express the amount of interest due at the respective periods herein named, and shall be signed by the Chairman of the Board of County Commissioners and County Treasurer. When any interest shall be paid upon a bond issued under the provisions of this Act the County Treasurer shall detach the coupons for the interest then due and paid, and deliver the same to the County Auditor, taking his receipt therefor, whose duty it shall be to file the same in his office.

Who entitled to fund.

4203. SEC. 6. All persons having any warrants of the County of White Pine, payable on or before the first day of April, eighteen hundred and seventy-three, whether warrants drawn upon the Treasurer or accounts audited and allowed by the Board of County Commissioners before the first day of April, eighteen hundred and seventy-three, shall be entitled to fund the same by virtue of this Act; *provided*, that for any fractional sum less than the amount of the bonds authorized to be issued by this Act, said Commissioners shall issue to the holder of the county warrant, or such other evidences of indebtedness as may have been audited or allowed by the Board of County Commissioners, a certificate of such fractional sum, and upon presentation of the same to the County Auditor, he shall draw a warrant upon the County Treasurer for the amount so certified; and said warrant thus drawn must be presented to the Treasurer of said county within eight months after the first day of April, eighteen hundred and seventy-three. And said warrants shall be payable in coin, in their regular order of payment, according to the number and date thereof.

Redemption of bonds.

4204. SEC. 7. Whenever any bond shall have been paid and redeemed by the County Treasurer, he shall mark the same "Canceled," over his signature as Treasurer, and immediately deliver the same to the County Auditor, taking his receipt therefor, and the County Auditor, upon receipt of such canceled bonds, shall file the same in his office.

Interest, levied and collected, how paid, etc.

4205. SEC. 8. In addition to the ordinary taxes for county purposes, there shall be, for the year one thousand eight hundred and seventy-three, and annually thereafter, until the principal and interest of said bonds to be issued shall be fully provided for, as hereinafter provided, to be levied and collected at the same time, and in the same manner as other revenues of said county, a special tax, to be called the Interest Tax, of sixty cents on each one hundred dollars of taxable property of said county, which tax shall be collected in United States gold and silver coin, and be paid over to the County Treasurer. The fund derived from this tax shall be applied only to the payment of the interest accruing upon said bonds, as herein provided; *provided,* that should said funds furnish a surplus over and above what may be required for the payment of said interest, such surplus shall be turned over and paid into the Sinking Fund herein provided for.

Arrangement for payment.

4206. SEC. 9. It shall be the duty of the County Treasurer of White Pine County to make such arrangements for the payment of the interest of said bonds, when the same falls due, at least thirty days before the time of payment; and in the event said Interest Fund is insufficient, the said Treasurer shall draw on the General Fund of the county for such purpose; and in the event that said Fund should prove inadequate, the said Treasurer is authorized and required to make such contract and arrangements as may be necessary for the payment of said interest, and for the protection of the credit of the county.

Sinking Fund.

4207. SEC. 10. It shall be the duty of the Treasurer of said county to set apart a Fund, to be called the "Sinking Fund of the County of White Pine." Into said Fund shall be paid: First, any and all surplus of the Interest Fund, as aforesaid; second, fifteen (15) per centum of all county revenues in the County Treasury of said county at the time of the taking effect of this Act, which the Board of County Commissioners shall cause to be transferred into said Sinking Fund, as soon after the first day of April, A. D. one thousand eight hundred and seventy-three, as practicable, and fifteen (15) per centum of all county revenues paid into the treasury of said county, at any time after the first day of April, A. D. one thousand eight hundred and seventy-three, to be placed in said Sinking Fund, as soon as paid into said treasury. Each of said payments shall be continued until the Sinking Fund shall be sufficient for the payment of the principal and interest of the bonds; and when the same shall have been paid and liquidated, the same shall cease, and all surplus remaining in the Sinking Fund shall be paid into the General Fund of said county.

Advertisements for surrender of bonds.

4208. SEC. 11. Whenever at any time there shall be in the Sinking Fund a sum of money amounting to one thousand dollars or upward, the County Treasurer shall advertise in a public newspaper published in said county, for the space of thirty days, for sealed proposals for the redemption of said bonds; but in case there be no newspaper published in said county, then in that case said advertisement shall be published in some newspaper having the largest circulation in said county, to be designated by the Chairman of the Board of County

Commissioners—the advertisement to specify the day, hour, and place the sealed proposals will be opened.

Proposals opened.

Payment, when interest to cease.

Notice continued.

4209. SEC. 12. At the time specified, the Treasurer shall open the sealed proposals, at his office, in the presence of the Chairman of the Board of County Commissioners and Auditor, and such other persons as may wish to be present, and shall pay and liquidate such bonds presented at the lowest value at which they may be proposed to be liquidated; *provided*, the same shall not be for more than their par value; *and, provided*, that if there be no sealed proposals made or offered for the surrender and payment of said bonds, then in that case it shall be the duty of the County Treasurer to advertise, in the manner as before mentioned, for a period of not less than twenty or more than thirty days, for the surrender and payment of so many of said bonds as the amount of money in said Sinking Fund will pay in their regular order of payment, commencing with number one, two, and three, and so continue the payment in that order, according to their number and date; and in the event that the holder or holders of the bond or bonds first in order of payment shall fail to present his or their bond or bonds for payment, at the office of the County Treasurer, in the Town of Hamilton, at the time indicated in the before mentioned advertisement, then in that case the said bond or bonds shall cease to draw interest from such date named in the advertisement for the payment of the same. And in like manner the County Treasurer shall continue to advertise the next bond or bonds in order of payment, according to their number and date, and if the holder or holders thereof fail to surrender for payment, as provided, the interest upon said bonds shall cease, as before mentioned. The County Treasurer shall continue to advertise, from time to time, as provided, until the whole amount of bonds has been advertised, or the amount of money in the Sinking Fund shall have been paid out in their redemption, as heretofore provided; *and, provided*, that should there be no proposals made for less than par value, then the payment shall be made pro rata on all of said bonds; *provided, further*, that said bonds upon which interest shall have ceased in consequence of the holder or holders thereof having failed to present the same for payment, as above provided in this Act, then and in that case said bonds shall have preference over the interest-bearing bonds in order of payment, and shall be paid in their regular order of date and number, but under the same rules, regulations, and restrictions as provided in this Act for interest-bearing bonds.

Record of Sinking Fund.

4210. SEC. 13. A full and particular account and record of the Sinking Fund shall be kept by said Treasurer, and shall at all times be open for the inspection of the Auditor, Board of Commissioners, and grand jury; and upon demand of the grand jury of said county, the Treasurer shall cause a concise statement to be made of the condition and business of said Fund, and the amount of bonds issued, and to whom issued.

Expenses of preparing bonds.

4211. SEC. 14. The County Treasurer shall pay, out of any money in the treasury not otherwise appropriated, any and all expense that may be incurred in having said bonds prepared, not to exceed the sum of five hundred dollars.

4212. SEC. 15. The Funding Commissioners shall receive such compensation for their services as the Board of County Commissioners may allow, to be paid out of the County Treasury as other charges against the county are paid. Compensation of Commissioners.

4213. SEC. 16. On the first day of April, one thousand eight hundred and seventy-three, the County Treasurer of White Pine County shall advertise in some newspaper, as heretofore provided, for the period of thirty days, that from and after that day the funding of the then outstanding warrants of White Pine County will commence; from which date it shall not be lawful for the Treasurer of said county to pay or liquidate any of the outstanding warrants of said county in any other way than by funding them in accordance with the provisions of this Act; nor shall said Treasurer, under any pretense whatever, liquidate, pay, or cause to be paid, any portion thereof, only in accordance with the provisions of this Act. The expense for publishing, as provided in this Act, shall be paid out of the General Fund of the county. Advertisement for funding. When warrants not to be paid.

4214. SEC. 17. Any county officer or officers of the County of White Pine, who shall willfully neglect or refuse to comply with the requisitions or provisions of this Act, shall be deemed guilty of misdemeanor in office, and be fined in any sum not less than two hundred nor more than one thousand dollars, to be recoverable before any Court of competent jurisdiction, or dismissal from office, or both such fine and dismissal, in the discretion of the Court; and it is hereby made the duty of the District Judge of White Pine County to give the substance of this section in charge to the grand jury at each session, making it their duty to inquire and investigate as to any infraction or violation of this Act by any of the officers herein named whose duty it is to carry into practical effect the provisions of this Act, and it is hereby made the duty of the District Attorney to prosecute all delinquents under this Act. Non-compliance with Act a misdemeanor. Penalty. Charge to grand jury.

4215. SEC. 18. The District Court of White Pine County shall have power to enforce obedience to the provisions of this Act, and for that purpose shall have full power to issue process of mandamus, prohibition, and all other writs that may be required, that are authorized by law. Powers of District Court.

4216. SEC. 19. All fines and penalties, collected under the provisions of this Act, shall be paid into the School Fund. Fines, etc.

CHAPTER CLXXVII.

OF THE CONSOLIDATION AND FUNDING OF THE INDEBTEDNESS OF ELKO COUNTY.

SECTION 4217. Funding Commissioners.
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4235. Power of District Court.
4236. Fines, etc.

An Act to consolidate and fund the indebtedness of Elko County.

[Approved February 23, 1871, p. 70.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Funding Commissioners. 4217. SECTION 1. In order to consolidate and fund the entire indebtedness of the County of Elko, for which warrants have been issued, and place all of its financial transactions upon a cash basis, the Chairman of the Board of County Commissioners, the Auditor, and County Treasurer of said county, and their successors in office, shall constitute and are hereby created a Board of Commissioners, to be known and styled as the "Funding Commissioners of the County of Elko, of the State of Nevada," and shall have and exercise the powers hereinafter provided.

4218. SEC. 2. It shall be the duty of said Funding Commissioners to cause to be prepared bonds equal to the present county indebtedness, together with all the indebtedness that shall have accrued for which warrants have, or may be issued before the first day of March, A. D. one thousand eight hundred and seventy-one. Said bonds shall be of the denomination of one hundred, three hundred, and five hundred dollars each, and each and every bond purport in substance that the County of Elko, State of Nevada, owes the holder thereof a sum to be expressed therein, bearing interest at the rate of ten per cent per annum from the first day of March, A. D. one thousand eight hundred and seventy-one, the interest to be paid upon presentation at the office of the County Treasurer on the first day of January, A. D. one thousand eight hundred and seventy-two, and on the first day of January annually thereafter, until said bonds are paid and liquidated. Said bonds shall be due and payable in gold coin at the office of the County Treasurer of said County of Elko, on or before the first day of January, one thousand eight hundred and eighty-one. Said bonds shall be signed by the Chairman of the Board of County Commissioners of said county, and countersigned by the County Auditor, and indorsed by the County Treasurer, and shall have the seal of the county annexed thereto.

Bonds to be prepared.

Denomination and purport.

When due and payable.

How signed, etc.

4219. SEC. 3. It shall be the duty of said Funding Commissioners to keep an account of the number, denomination, and amount of all bonds signed by them in accordance with the provisions of this Act; and it shall be the duty of said Commissioners to examine all warrants presented for funding, and ascertain if they are the true and correct ones issued according to the County Treasurer's and Auditor's books, corresponding to the entries therein; and no others than those found to be true and lawful ones against the County of Elko shall be funded.

Duty of Commissioners.

4220. SEC. 4. It shall be the duty of the Auditor and Treasurer each to keep a separate record of all such bonds as may be issued in accordance with this Act, showing the number, date, and amount, and to whom issued, together with the coupons that may be issued.

Auditor and Treasurer to keep separate account.

4221. SEC. 5. Coupons for the interest shall be annexed to each bond; said coupons shall be numbered, and shall express the amount of interest due at the respective periods herein named, and shall be signed by the Chairman of the Board of County Commissioners and County Treasurer. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, and deliver the same to the County Auditor, taking his receipt therefor, whose duty it shall be to file the same in his office.

Coupons.

4222. SEC. 6. All persons having any warrants of the County of Elko, payable on or before the first day of March, eighteen hundred and seventy-one, whether in warrants drawn upon the Treasurer, or accounts audited and allowed by the Board of County Commissioners, before the first day of March, one thousand eight hundred and seventy-one, shall be entitled to fund the same by virtue of this Act; *provided*, that for any fractional sum less than the amount of the bonds authorized to

Warrants, etc., may be funded.

Proviso.

Fractional sums. be issued by this Act, said Commissioners shall issue to the holder of the county warrant, or such other evidences of indebtedness as may have been audited or allowed by the Board of County Commissioners, a certificate of such fractional sum, and upon presentation of the same to the County Auditor, he shall draw a warrant upon the County Treasurer for the amount so certified; and said warrant thus drawn must be presented to the Treasurer of said county within eight months after the first day of March, one thousand eight hundred and seventy-one. And said warrants shall be payable in coin, in their regular order of payment, according to the number and date thereof.

Warrants redeemed to be canceled, etc. 4223. SEC. 7. Whenever any bonds shall have been paid and redeemed by the County Treasurer, he shall mark the same canceled, over his signature as Treasurer, and immediately deliver the same to the County Auditor, taking his receipt therefor; and the County Auditor, upon receipt of such canceled bonds, shall file the same in his office.

Tax to be levied and collected. 4224. SEC. 8. In addition to the ordinary taxes for county purposes, there shall be for the year one thousand eight hundred and seventy-one, and annually thereafter, until the principal and interest of said bonds to be issued shall be fully provided for, as hereinafter provided, to be levied and collected at the same time and in the same manner as other revenues of said county, a special tax, to be called the Interest Tax, of forty-five cents on each one hundred dollars of taxable property of said county, which tax shall be collected in United States gold and silver coin, and be paid over to the County Treasurer. The fund derived from this tax shall be applied only to the payment of the interest accruing upon said bonds, as herein provided; *provided*, that should said funds furnish a surplus over and above what may be required for the payment of said interest, such surplus shall be turned over and paid into the Sinking Fund herein provided for.

Interest tax.

Fund applied.

Proviso.

Treasurer to arrange for payment of interest. 4225. SEC. 9. It shall be the duty of the County Treasurer of Elko County to make such arrangements for the payment of the interest of said bonds when the same falls due, at least thirty days before the time of payment; and in the event said Interest Fund is insufficient, the said Treasurer shall draw on the General Fund of the county for such purpose; and in the event that said Fund shall prove inadequate, the said Treasurer is authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and for the protection of the credit of the County of Elko.

Sinking Fund to be set apart. 4226. SEC. 10. It shall be the duty of the Treasurer of said county to set apart a Fund, to be called the "Sinking Fund of the County of Elko." Into said Fund shall be paid, first, any and all surplus of the Interest Fund, as aforesaid. Each of said payments shall be continued until the said Sinking Fund shall be sufficient for the payment of the principal and interest of the bonds, and when the same shall have been paid and liquidated, the same shall cease, and all surplus remaining in the Sinking Fund shall be paid into the General Fund of said county.

Sealed proposals. 4227. SEC. 11. Whenever at any time there shall be in the Sinking Fund a sum of money amounting to one thousand

Redemption of bonds.

dollars, or upward, the County Treasurer shall advertise in a public newspaper, published in said county, for the space of thirty days, for sealed proposals for the redemption of said bonds; but in case there be no newspaper published in said county, then, in that case, said advertisement shall be published in some newspaper having the largest circulation in said county, to be designated by the County Auditor; the advertisement to specify the day, hour, and place the sealed proposals will be opened.

Sealed proposals opened.

Proviso.

Advertisement, when no proposals made.

When interest on bonds to cease.

When paid pro rata.

Preference.

4228. SEC. 12. At the time specified the Treasurer shall open the sealed proposals, at his office, in the presence of the Chairman of the Board of County Commissioners and Auditor, and such other persons as may wish to be present; and shall pay and liquidate such bonds presented, at the lowest value at which they may be proposed to be liquidated; *provided,* the same shall not be for more than their par value; *and, provided,* that if there be no sealed proposals made, or offered, for the surrender and payment of said bonds, then in that case it shall be the duty of the County Treasurer to advertise in the manner as before mentioned, for a period of not less than twenty or more than thirty days, for the surrender and payment of so many of said bonds as the amount of money in said Sinking Fund will pay in their regular order of payment, commencing with number one, two, and three, and so continue the payment in that order according to their number and date; and in the event that the holder or holders of the bond or bonds, first in order of payment, shall fail to present his or their bond or bonds for payment, at the office of the County Treasurer, in the Town of Elko, at the time indicated in the beforementioned advertisement, then in that case, the said bond or bonds shall cease to draw interest from such date named in the advertisement for the payment of the same. And in like manner the County Treasurer shall continue to advertise the next bond or bonds in order of payment, according to their number and date, and if the holder or holders thereof fail to surrender for payment, as provided, the interest upon said bonds shall cease, as before mentioned. The County Treasurer shall continue to advertise from time to time, as provided, until the whole amount of bonds has been advertised, or the amount of money in the Sinking Fund shall have been paid out in their redemption, as heretofore provided; *and, provided,* that should there be no proposals made for less than par value, then the payment shall be made pro rata on all of said bonds; *provided further,* that said bonds upon which interest shall have ceased in consequence of the holder or holders thereof having failed to present the same for payment, as above provided in this Act, then, and in that case, said bonds shall have preference over the interest-bearing bonds in order of payment, and shall be paid in their regular order of date and number, but under the same rules, regulations, and restrictions as provided in this Act for interest-bearing bonds.

Treasurer to keep account of Fund, etc.

4229. SEC. 13. A full and particular account and record of the Sinking Fund shall be kept by said Treasurer, and shall at all times be open for the inspection of the Auditor, Board of Commissioners, and grand jury, and upon demand of the grand jury of said county the Treasurer shall cause a concise statement to be made of the condition and business of said Fund, and the amount of bonds issued, and to whom issued.

Payment of expenses. 4230. SEC. 14. The County Treasurer shall pay out of any money in the treasury, not otherwise appropriated, any and all expenses that may be incurred in having said bonds prepared, not to exceed the sum of four hundred dollars.

Compensation of Commissioners. 4231. SEC. 15. The Funding Commissioners shall receive such compensation for their services as the Board of County Commissioners may allow, to be paid out of the County Treasury as other charges against the county are paid.

Funding. 4232. SEC. 16. On the first day of March, one thousand eight hundred and seventy-one, the County Treasurer of Elko County shall advertise in some newspaper, as heretofore provided, for the period of thirty days, that from and after that day the funding of the then outstanding warrants of Elko County will commence; from which time it shall not be lawful for the Treasurer of said county to pay or liquidate any of the outstanding warrants of said county in any other way than by funding them in accordance with the provisions of this Act; nor shall said Treasurer, under any pretense whatever, liquidate, pay, or cause to be paid any portion thereof, only in accordance with the provisions of this Act. The expense for publishing as provided in this Act, shall be paid out of the General Fund of the county.

County Commissioners restricted in contracting debts. 4233. SEC. 17. On and after the first day of March, one thousand eight hundred and seventy-one, the Board of County Commissioners of said county, shall contract no debt, and incur no liabilities, that shall singly or in the aggregate, with any other previous debt or liabilities contracted or incurred, after the said first day of March, exceed the sum of nine thousand dollars more than the amount of money in the County Treasury subject to the payment of the same.

Officers not complying with Act. 4234. SEC. 18. Any county officer or officers of the County of Elko, who shall willfully neglect or refuse to comply with the requisitions or provisions of this Act, shall be deemed guilty of misdemeanor in office, and be fined in any sum not less than two hundred nor more than one thousand dollars, to be recoverable before any Court of competent jurisdiction, or dismissal from office, or both such fine and dismissal, in the discretion of the Court. And it is hereby made the duty of the District Judge of Elko County, to give the substance of this section in charge to the grand jury at each session, making it their duty to inquire and investigate as to any infraction or violation of this Act, by any of the officers herein named, whose duty it is to carry into practical effect the provisions of this Act; and it is hereby made the duty of the District Attorney to prosecute all delinquents under this Act.

Penalty.

Power of District Court. 4235. SEC. 19. The District Court of Elko County shall have power to enforce obedience to the provisions of this Act, and for that purpose shall have full power to issue process of mandamus, prohibition, and all other writs that may be required, that are authorized by law.

4236. SEC. 20. All fines and penalties collected under the provisions of this Act, shall be paid into the School Fund. Fines, etc.

Acts of County Commissioners relative to claim of J. N. Williams, legalized.—Stats. 1871, p. 58.

CHAPTER CLXXVIII.

OF THE LIEUTENANT GOVERNOR.

SECTION 4237. Lieutenant Governor ex officio Adjutant General and State Librarian.
4238. Repealed.
4239. Act to take effect when.

An Act to define the duties of the Lieutenant Governor, and to fix his compensation therefor.

[Approved March 12, 1873, p. 197.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

4237. SECTION 1. The Lieutenant Governor shall be ex officio Adjutant General and State Librarian, and he shall perform all duties required by law in connection with the offices of Adjutant General and State Librarian. His compensation for such service shall be thirty-six hundred dollars per annum, payable quarterly in the same manner as is provided for the payment of the salaries of other State officers. Lieutenant Governor ex officio Adjutant General and State Librarian.

4238. SEC. 2. Section six of an Act entitled "An Act to provide for the government of the State Prison of the State of Nevada," approved March fourth, eighteen hundred and sixty-five, is hereby repealed. Repealed.

4239. SEC. 3. This Act shall take effect and be in force from and after the first day of January, A. D. eighteen hundred and seventy-five. Act to take effect when.

CHAPTER CLXXIX.

OF THE COMPILATION OF THE LAWS.

SECTION 4240. Purchase of, authorized.
4241. Contract, provision of.
4242. Payments, when made.
4243. Controller to draw warrants.
4244. Appropriation for.

An Act to purchase the compilation of the laws of Nevada.

[Approved March 18, 1873, p. 222.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Purchase of, authorized.

4240. SECTION 1 The Secretary of State, Attorney General, and Clerk of the Supreme Court, are hereby authorized and directed to contract with Bonnifield and Healy for the purchase of their compilation of the laws of Nevada, for the use and benefit of the State; *provided*, that the entire manuscript thereof shall not cost to exceed the sum of six thousand dollars.

Contract, provision of.

4241. SEC. 2. The contract shall require said Bonnifield and Healy to incorporate in said compilation all the Acts passed at this session of the Legislature; and the Secretary of State shall furnish the compilers copies of the enrolled bills of all said Acts within twenty days after the close of this session.

Payments, when made.

4242. SEC. 3. One half of the purchase money shall be paid upon the passage of this Act, and the balance upon the manuscript of said compilation being delivered to the Secretary of State, with the Acts of this session incorporated therein, and all completely indexed.

Controller to draw warrants.

4243. SEC. 4. The State Controller is hereby directed to draw his warrants in favor of said Bonnifield and Healy on the State Treasurer for said purchase money, in accordance with the provisions of section three of this Act; and the State Treasurer is hereby directed to pay said warrants out of any moneys in the State Treasury, not otherwise appropriated.

Appropriation for.

4244. SEC. 5. For the purpose of paying said purchase money, as aforesaid, the sum of six thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise specifically appropriated.

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